

MONTANA LEGISLATIVE HISTORY

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Chapter 510 19 95

Bill H _____ S 181

Original bill & history ☒ c

H. Committee on Highways & Transportation

Hearing Date(s) Mar 01 ☒ c

Mar 02 ☒ c

_____ ☐ c

_____ ☐ c

Date Out Mar 10 ☒ c

S. Committee on Highways & Transportation

Hearing Date(s) Feb 02 ☒ c

Feb 04 ☒ c

_____ ☐ c

_____ ☐ c

Feb 06 ☒ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

Conference Committee

Apr 04 ☒ c

3/20 SIGNED BY GOVERNOR
CHAPTER NUMBER 173
EFFECTIVE DATE: 10/01/95

SB 178 INTRODUCED BY JENKINS

REQUIRE THAT ELECTIONS FOR COUNTY AND MUNICIPAL OFFICES,
EXCEPT ELECTIONS FOR COUNTY COMMISSIONERS, BE CONDUCTED
ON A NONPARTISAN BASIS

1/18 INTRODUCED
1/18 FIRST READING
1/18 REFERRED TO LOCAL GOVERNMENT
1/31 HEARING
1/31 TABLED IN COMMITTEE
2/23 MISSED TRANSMITTAL DEADLINE FOR 45TH DAY
DIED IN COMMITTEE

SB 179 INTRODUCED BY WILSON, ET AL.

INCREASE MINIMUM HOURLY WAGE RATE FOR CERTAIN EMPLOYEES TO
\$5 AN HOUR OR THE RATE SET UNDER FEDERAL LAW, WHICHEVER IS
GREATER

1/18 INTRODUCED
1/18 FIRST READING
1/18 REFERRED TO LABOR & EMPLOYMENT RELATIONS
1/19 FISCAL NOTE REQUESTED
1/23 FISCAL NOTE RECEIVED
1/23 FISCAL NOTE PRINTED
2/07 HEARING
2/10 TABLED IN COMMITTEE
2/10 MOTION FAILED TO TAKE FROM COMMITTEE
AND PLACE ON 2ND READING 23 27
2/23 MISSED TRANSMITTAL DEADLINE FOR 45TH DAY
DIED IN COMMITTEE

SB 180 INTRODUCED BY TVEIT, ET AL.

CLARIFY THE BINDING SCHOOL ARBITRATION PROVISION IN A
COLLECTIVE BARGAINING AGREEMENT WITH A SCHOOL

1/18 INTRODUCED
1/18 FIRST READING
1/18 REFERRED TO EDUCATION & CULTURAL RESOURCES
1/19 REREFERRED TO LABOR & EMPLOYMENT RELATIONS
2/02 HEARING
2/09 COMMITTEE REPORT—BILL PASSED
2/10 2ND READING DO PASS MOTION FAILED 19 30
2/10 2ND READING INDEFINITELY POSTPONED 32 17

SB 181 INTRODUCED BY WELDON, ET AL.

REVISE THE DEFINITION OF "UNZONED COMMERCIAL OR INDUSTRIAL
AREA" AS APPLIED TO OUTDOOR ADVERTISING
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

1/18 INTRODUCED
1/18 FIRST READING
1/18 REFERRED TO HIGHWAYS & TRANSPORTATION
1/19 FISCAL NOTE REQUESTED
1/25 FISCAL NOTE RECEIVED
1/26 FISCAL NOTE PRINTED
2/02 HEARING
2/07 COMMITTEE REPORT—BILL PASSED AS AMENDED

SB 182	1995 HISTORY AND FINAL STATUS		84
2/08	2ND READING PASSED AS AMENDED	33	17
2/09	3RD READING PASSED	34	16
	TRANSMITTED TO HOUSE		
2/10	FIRST READING		
2/15	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/01	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/13	2ND READING CONCURRED	77	23
3/14	3RD READING CONCURRED	73	26
	RETURNED TO SENATE WITH AMENDMENTS		
3/18	2ND READING AMENDMENTS NOT CONCURRED	25	20
3/21	CONFERENCE COMMITTEE APPOINTED		
4/04	HEARING		
4/05	CONFERENCE COMMITTEE REPORT NO. 1.		
4/07	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	25	16
4/08	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	33	17
	HOUSE		
3/28	CONFERENCE COMMITTEE APPOINTED		
4/05	CONFERENCE COMMITTEE REPORT NO. 1		
4/08	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	83	14
4/10	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	78	22
4/12	SIGNED BY PRESIDENT		
4/13	SIGNED BY SPEAKER		
4/17	TRANSMITTED TO GOVERNOR		
4/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 510		
	EFFECTIVE DATE: 04/21/95		

SB 182	INTRODUCED BY WELDON, ET AL.		
	AUTHORIZE COUNTIES AND INCORPORATED CITIES AND TOWNS TO ADOPT ORDINANCES AND ZONING REGULATIONS GOVERNING OUTDOOR ADVERTISING		
1/18	INTRODUCED		
1/18	FIRST READING		
1/18	REFERRED TO LOCAL GOVERNMENT		
1/31	HEARING		
2/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/10	2ND READING PASSED	45	4
2/11	3RD READING PASSED	38	11
	TRANSMITTED TO HOUSE		
2/11	FIRST READING		
2/15	REFERRED TO LOCAL GOVERNMENT		
2/27	FISCAL NOTE REQUESTED		
3/04	FISCAL NOTE RECEIVED		
3/13	FISCAL NOTE PRINTED		
3/14	HEARING		
	DIED IN COMMITTEE		

SENATE BILL NO. 181

INTRODUCED BY

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

Bob Brown

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "UNZONED COMMERCIAL OR INDUSTRIAL AREA" AS APPLIED TO OUTDOOR ADVERTISING; REVISING THE LIMITATIONS ON CERTAIN OUTDOOR ADVERTISING SIGNS; REVISING THE FEES FOR CERTAIN SIGN PERMITS; AMENDING SECTIONS 75-15-103, 75-15-113, AND 75-15-122, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because the department of transportation is directed in 75-15-122 to adopt rules relating to the fees charged for the issuance and renewal of certain permits for outdoor advertising signs. It is anticipated that the department will adopt fees commensurate with the costs of administering and enforcing the issuance and renewal of the sign permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-15-103, MCA, is amended to read:

"75-15-103. Definitions. As used in this part, the following definitions apply:

(1) "Commercial or industrial activities" means for purposes of subsection (14) those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities ~~shall be~~ are considered commercial or industrial:

(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;

(b) transient or temporary activities;

(c) activities not visible from the main-traveled way;

(d) activities conducted in a building principally used as a residence;

(e) railroad tracks and minor sidings;

(f) activities more than 660 feet from the nearest edge of the right-of-way.

(2) "Commercial or industrial zone" means an area ~~which~~ that is used or reserved for business,

1 commerce, or trade pursuant to comprehensive local zoning ordinances, ~~or~~ regulations, or enabling state
2 legislation ~~or state legislation itself~~, including highway service areas lawfully zoned as highway service
3 zones, where the primary use of the land is or is reserved for commercial and roadside services, other than
4 outdoor advertising, to serve the traveling public. Areas temporarily zoned as commercial or industrial by
5 an interim regulation or map adopted as an emergency measure pursuant to 76-2-206 ~~shall~~ are not be
6 ~~considered as~~ covered by this definition.

7 (3) "Commission" means the highway commission of Montana.

8 (4) "Department" means the department of transportation.

9 (5) "Information center" means an area or site established or maintained at safety rest areas for
10 the purpose of informing the public of places of interest within the state and providing ~~such~~ other
11 information as that the commission may consider desirable.

12 (6) "Interchange" or "intersection" means those areas and their approaches where traffic is
13 channeled off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to
14 another federal, state, county, city, or other route.

15 (7) "Interstate system" means that portion of the national system of interstate and defense
16 highways located within this state as officially designated or as may ~~hereafter~~ be ~~so~~ designated by the
17 commission and approved by the secretary pursuant to the provisions of Title 23, United States Code,
18 "Highways".

19 (8) "Maintain" means to allow to exist, subject to the provisions of this part.

20 (9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure
21 in a state suitable for use.

22 (10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing,
23 message, plaque, poster, billboard, or other structure ~~which~~ that is designed, intended, or used to advertise
24 or inform and ~~which~~ that is visible from any place on the main-traveled way of the interstate or primary
25 systems.

26 (11) "Primary system" means that portion of connected main highways as officially designated or
27 as may ~~hereafter~~ be ~~so~~ designated by the commission and approved by the secretary pursuant to the
28 provisions of Title 23, United States Code, "Highways".

29 (12) "Safety rest area" means an area or site established and maintained within or adjacent to the
30 right-of-way, by or under public supervision or control, for the convenience of the traveling public.

1 (13) "Secretary" means the secretary of the United States department of transportation.

2 (14) "Unzoned commercial or industrial area" means an area not zoned by state or local law,
3 regulation, or ordinance ~~which that~~ is occupied by one or more industrial or commercial activities, other
4 than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent
5 to the activities ~~and those lands directly opposite on the other side of the highway to the extent of the~~
6 ~~same dimensions and to a maximum depth of 660 feet when measured from the highway right of way;~~
7 ~~provided those lands on the opposite side of the highway are not deemed scenic or having aesthetic value~~
8 ~~as determined by the commission.~~

9 (15) "Urban area" means an urbanized area or place, as designated by the United States bureau of
10 the census, ~~having that~~ has a population of 5,000 or more and ~~that is~~ within boundaries fixed by the
11 department, ~~which~~ The boundaries ~~shall as~~ must at a minimum encompass the entire urban place
12 designated by ~~said the~~ bureau of the census.

13 (16) "Visible" means capable of being seen and legible without visual aid by a person of normal
14 visual acuity."

15
16 **Section 2.** Section 75-15-113, MCA, is amended to read:

17 **"75-15-113. Standards for permitted advertising.** Except for outdoor advertising beyond 660 feet
18 of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area,
19 outdoor advertising permitted under ~~subsections (1)(d) and (1)(e) of 75-15-111~~ (1)(d) and (1)(e) shall must
20 conform to the following requirements:

21 (1) Signs may not be erected or maintained ~~which that~~ exceed ~~1,200~~ 672 square feet in area,
22 including border and trim but excluding base or apron, supports, and other structural members.

23 (2) ~~Maximum length, 60~~ Signs may not exceed 48 feet in length.

24 (3) ~~Maximum height, 40~~ The maximum height of the sign structure, including the sign face, is 30
25 feet, measured at a right angle from the surface of the roadway at the centerline of the interstate or primary
26 highway. ~~feet as measured from the ground or, if the sign is attached to a structure, as measured from~~
27 ~~the base of the sign itself.~~

28 (4) No more than two facings visible and readable from the same direction on the main-traveled
29 way may be erected on any one sign structure. Whenever two facings are so positioned, neither ~~shall~~ may
30 exceed 325 square feet.

(5) Double-faced, back-to-back, and V-type signs ~~shall be~~ are considered ~~as to be~~ a single sign or structure.

(6) ~~Where~~ When two or more faces, back to back, are supported by separate structures, each ~~shall be~~ is considered to be a single sign.

(7) No two signs ~~shall~~ may be spaced less than 500 feet apart adjacent to an interstate highway or limited-access primary highway, except that signs may be erected closer than 500 feet if they are separated by buildings or other obstructions in ~~such~~ a manner that only one sign facing located within the ~~above 500-foot~~ spacing distance is visible from the highway at any one time.

(8) Signs may not be located within 500 feet of any of the following ~~which~~ that are adjacent to the highway unless the signs are in an incorporated area:

- (a) public parks;
- (b) public forests;
- (c) public playgrounds;
- (d) scenic areas designated as such by the department or other state agency having and exercising this authority;
- (e) cemeteries.

(9) A sign may not be located on an interstate highway or freeway within 500 feet of an interchange or intersection at a grade or rest area. The 500 feet is to be measured along the interstate or freeway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.

(10) Signs may be illuminated, subject to the following restrictions:

(a) Signs ~~which~~ that contain, include, or are illuminated by a flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs ~~which~~ that are not effectively shielded as to prevent beams or rays of light from being directed at a portion of the traveled ways of the interstate or federal-aid primary highway, ~~or which~~ that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or ~~which~~ that otherwise interfere with a driver's operation of a motor vehicle are prohibited.

(c) A sign may not be so illuminated that it interferes with the effectiveness of or obscures ~~an~~ official traffic sign, device, or signal.

(11) The location of sign structures situated on the primary highways between streets, roads, or highways entering or intersecting the main-traveled way ~~shall~~ must conform to the following minimum spacing criteria:

(a) ~~Where~~ When the distance between centerlines of intersecting streets or highways is less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting streets or highways.

(b) ~~Where~~ When the distance between centerlines of intersecting streets or highways is 1,000 feet or more, minimum spacing between sign structures ~~shall~~ must be 300 feet."

Section 3. Section 75-15-122, MCA, is amended to read:

"75-15-122. Permits required -- identification tags -- preexisting structures -- fees. (1) (a) A sign authorized by ~~subsections (a), (d), and (e) of 75-15-111(1)(a), (1)(d), and (1)(e)~~ may not be constructed or maintained without a permit. Applications for permits ~~shall~~ must be made to the department on forms furnished by it. The department shall require reasonable information to be furnished, including a statement that the owner or occupant of the land has consented to the erection or maintenance of the sign on the land. A permit must be obtained for each sign, and the application for the permit ~~must~~ be accompanied by ~~an~~ a nonrefundable, initial fee ~~of \$6~~.

~~(2)(b)~~ Permits ~~shall~~ must be issued for 3 years, assigned a permit number, and renewed every 3 years ~~thereafter~~ after issuance upon payment of ~~\$3~~ a fee without the filing of a new application. All fees received ~~shall~~ must be paid into the highway account in the state special revenue fund.

(c) The fees described in subsections (1)(a) and (1)(b) are to be determined by the square footage of the sign face and established, by rule, by the department to cover the costs of administering and enforcing this section.

~~(3)(2)~~ The department shall issue with each new permit a permanent identification tag not larger than 36 square inches ~~which shall~~ that must be affixed to the sign in a position readily visible from the highway.

~~(4)(3)~~ Notwithstanding the foregoing provisions of this section, the department shall issue permits and identification tags upon application and payment of the requisite fee for a structure lawfully in existence on June 23, 1971, and the permits ~~shall thereafter~~ must be renewed for a period of time as is prescribed in this section unless the structure is removed for improper maintenance.

~~(5)~~(4) Notwithstanding the foregoing provisions of this section, the department shall issue permits and identification tags upon application and payment of the requisite fee for outdoor advertising lawfully in existence on June 23, 1971, and made nonconforming by virtue of 75-15-111(3), and the permits ~~shall thereafter~~ must be renewed for a period of time as is prescribed in this section unless the structure is removed for improper maintenance."

NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 1995.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0181, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the definition of "unzoned commercial or industrial area" as applied to outdoor advertising; revising the limitations on certain outdoor advertising signs; revising the fees for certain sign permits.

ASSUMPTIONS:

1. The actual fee structure will be determined upon passage of bill by rulemaking.
2. For purposes of this fiscal note, the fee schedule used by the Oregon Dept. of Transportation is used for illustrative purposes:

FEE SCHEDULE

<u>FEE</u>	<u>SIGN SIZE</u>
\$25.00	25 SQ. FEET OR LESS
\$50.00	26 TO 50 SQ. FEET
\$150.00	51 TO 400 SQ. FEET
\$200.00	401 TO 672 SQ. FEET

RENEWALS (3 YR.)

\$10.00	50 SQ. FEET OR LESS
\$15.00	51 TO 400 SQ. FEET
\$20.00	401 TO 672 SQ. FEET

3. Average of 100 new sign applications/fiscal year
4. 1,333 renewals based on 1/3 of 4,000 permitted signs/year
5. Current revenue generated by program is approximately \$4,600/year (\$600/year permitting \$4,000/year renewals)
6. Current annual cost to regulate outdoor advertising control program is approximately \$50,000/year

FISCAL IMPACT:

<u>Revenues:</u>	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Permitting	\$11,900	\$11,900
Renewals	<u>16,000</u>	<u>16,000</u>
Total Highway Special Revenue (02)	\$27,900	\$27,900

David Lewis 1-25-95
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Jeff Weldon 1-26-95
 JEFF WELDON, PRIMARY SPONSOR DATE

Fiscal Note for SB0181, as introduced

SB 181

Procedures Act and that would require the rules to go through a hearing process. He suggested that the statement of intent should be enhanced and strengthened. He said he thought putting more people on the advisory council was a good idea as it would benefit the Department to have more people involved.

HEARING ON SB 181

Opening Statement by Sponsor:

SENATOR JEFF WELDON, Senate District 35, Arlee, said this Bill had its genesis in early 1993 when western Montana in particular saw very large billboards erected along Highway 93 and Interstate 90. He gave a quick background on the issue of billboard regulation and SB 181. He said that since 1993 several community groups had formed to address the issue of billboard regulation. He made reference to a survey which had been conducted by a legislative candidate last fall, which showed that in SENATOR WELDON'S District the majority of people believed stricter regulations should be put in place to control large billboards similar to the ones already in that District. He reported that several have enacted emergency ordinances banning new billboard construction. He stated that finally, last fall, the Governor called together a task force to specifically look at state law as it related to billboard regulation in Montana. He submitted (EXHIBIT # 2) a list of the task force members and an article summarizing what the task force concluded.

SENATOR WELDON said SB 181 was the result of a consensus of the task force. He said SB 181 reduced the size of billboards or outdoor advertising. It reduced the maximum area from 1200 to 672 square feet, the maximum width from 60 to 48 feet, the maximum height from 40 feet from the bottom of the sign to a maximum ceiling height of 30 feet from the road. He said the Bill also asked the Montana Department of Transportation (MDT) to develop fees commensurate with the cost of administering the program.

SENATOR WELDON said the intent of the Bill was to limit the number of outdoor advertising signs in unzoned commercial and industrial areas to two billboards. This was left out in the drafting of the Bill. He attested that this change would be presented in a forthcoming amendment.

SENATOR WELDON said it could be seen by the fiscal note that the proposed fees the Department calculated would raise approximately an additional \$28,000 for the next two fiscal years. He said assumption number six showed the current annual cost to regulate the program as \$50,000 so SB 181 came closer to covering the cost of that program. SENATOR WELDON asked the Committee to consider

placement of an immediate effective date on the Bill so any new billboards permitted in the State would meet these criteria.

SENATOR WELDON stated he had been involved in a few consensus-building group meetings and they were usually never easy when there was representation from groups with various goals and objectives. He commended those involved from the billboard industry and the concerned citizens for sitting down and coming up with a consensus.

Proponents' Testimony:

Rich Munger, Coordinator of the Outdoor Advertising Program, with the Department of Transportation, read written testimony (EXHIBIT # 3). Contained in his testimony were the amendments SENATOR WELDON spoke to earlier.

Willa Hall, representing herself, said she appreciated the effort of the Governor's Task Force and expressed support for lowering the height, size, and number of signs. She wanted to protect her scenic view of the mountains and stated resentment for big signs taking away the visual aspects along our roads.

Sara Busey and Joan Vetter, Outdoor Advertising Campaign (OAC) Task Force, stated they had served on the task force and looked at outdoor advertising laws in ten different states to evaluate Montana's law. They portrayed Montana's law as twenty-four years old and as the most lenient in the ten states surveyed. They provided the committee with written testimony, (EXHIBIT # 4) & (EXHIBIT # 5).

Bill Allen, Montana Audubon Legislative Fund, read his written testimony (EXHIBIT # 6) and urged the Committee's support for SB 181 and the proposed amendments.

Lars Lithander, representing Frontier Outdoor Advertising, Casper, Wyoming and Billings, thanked the Governor's task force, the Montana Department of Transportation and others who worked on the task force. He reported participants as working hard to come to a commendable consensus. He read his written testimony (EXHIBIT # 7). He related enthusiastic support for the Bill and offered minor amending language which he felt was reasonable and important (EXHIBIT # 8). He said it was important to note that some important items were given up by the outdoor advertising industry throughout the task force process. He characterized limiting the square footage of signs as a minor concession and the proposed limited height as a needed restriction. He reported the major concession as the limiting of the number of sign locations allowed in unzoned commercial and industrial areas. He explained that current law allowed up to six sign locations on both sides of Interstate highways, and eight or ten locations on the primary system. Mr. Lithander stated their potential business was being eliminated by two thirds with the proposed

Legislation and their proposed amendment was only asking that the two signs could be placed on either side of the road. He said new businesses in certain cities would benefit by having the chance to legitimately advertise their business by adopting the amendment. He maintained SB 181 was good legislation and they were simply asking that the two allowable locations could go on either side of the highway.

Rose Magnuson, stated she was a member of the coalition and was representing the Citizens for Scenic Lake County, reemphasized the importance of the Task Force agreement which deleted language allowing signs on the opposite side of the highway from a qualifying business in unzoned commercial and industrial areas. She attested to the hard work of the Task Force in their efforts of arriving at a compromise. She said they opposed Mr. Lithander's amendment.

Jim Pannell, representing Myhre Outdoor Advertising, stated the increased number of signs was a result of the economic growth in Montana, and a majority of the problem has occurred in the Flathead Valley where an individual had moved his sign company from Florida and Texas. He said the style of sign that individual chose to build was a panoramic outdoor sign of very large proportions. He explained that the style may be contemporary in some areas but not in Montana and efforts were currently being made to try solving the problem. He maintained that concerns being expressed today revealed the overdue need to address the problem. He attested it was imperative the door be closed today or signs built by people who didn't care about Montana's scenic perspective would continue to grow. He stated there were also landowners building large, high signs of their own because they didn't have an understanding of the industry. He claimed passage of SB 181 was important as these signs were giving the industry a bad name and a change was needed.

Stuart Doggett, representing the Montana Inn Keepers, reported they had a representative participate in the discussions on SB 181 and lent support. He stated their membership had some concern regarding the 30 foot height, but generally most members expressed support of the Bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

SENATOR BARRY "SPOOK" STANG asked Mr. Munger what constituted a conforming business? Mr. Munger replied that was something that would be addressed by rule if the Bill passed. He said that currently if someone put up a building with access to it, which either gave the appearance of doing business or did business

there for even a few months of the year, it was considered a conforming business. He maintained it did not have to be a business for the public; it could be an industrial business or anything which gave the traveling public the appearance of being a business.

SENATOR STANG asked if a trailer court was a conforming business? Mr. Munger replied a trailer court in itself was not a conforming business, but if the trailer court happened to have a gas station and a convenience store as a part of the trailer court, the store would be a conforming business.

SENATOR STANG asked about signs on the Frenchtown Hill. He had been told by MDT that the signs were related to a trailer court which was a conforming business. Mr. Munger replied that if they were talking about the same area, he believed the qualifying business there was a mobile home repair business. He said that was a good example of businesses that technically, according to the law, do qualify for signs.

SENATOR RIC HOLDEN asked if passage of this Bill would cause advertisers to have to demolish some of the existing signs. Mr. Pannell replied it would not; those oversize signs he spoke of would become nonconforming. He said that unless they were purchased by either a municipality, county, or the state, they would continue in existence.

SENATOR REINY JABS asked businesses choose which side they placed the signs? Mr. Munger stated the definition language would read that the signs could only be placed within 600 feet of the location of the qualifying business on the same side of the road.

SENATOR LINDA NELSON asked about the testimony regarding a nonrefundable fee of \$6 and noted that the \$6 had been struck with an indication that the fee would be established by rule? Mr. Munger stated the \$6 had been struck and nonrefundable inserted. The fees would be established by rule by the Highway Commission. He said the fee amount had not been determined.

SENATOR STANG stated the nonrefundable fee bothered him. He said he had a constituent who applied for a liquor license and paid a \$500 fee with the assumption of obtaining that license. He had not received the license and had lost the \$500. He said he was curious if they would be willing to make the application fee a smaller fee that would not be refundable but maybe the renewal fee for the sign could be higher? He said that at least the person wasn't throwing \$200 out there on a gamble that maybe the Department would find a technicality for not issuing a permit. He stated that maybe the sponsor could address that in his closing.

SENATOR CHARLES "CHUCK" SWYSGOOD asked about the status of existing signs that would be in nonconformance if this Bill passed. He questioned what would happen to those signs if nobody

bought them, would they stay? Mr. Pannell stated that if the law passed, any sign which didn't meet the requirements of this Bill would become a nonconforming sign.

SENATOR SWYSGOOD asked if a nonconforming sign, since there is no grandfather clause in the Bill, would be in violation of the law? Mr. Panell answered no they are not; they are a legal, nonconforming sign as compared to an illegal sign.

SENATOR SWYSGOOD asked the Department for clarification. Mr. Munger stated that with current law an owner could increase the size, lighting, or otherwise change a legal sign which would make it a legal nonconforming sign. He said that with passage of the Bill a legal nonconforming sign must stay in its' present same condition. He said they could maintain it, but were restricted as to the type of changes. He said there was 30/50 rule for nonconforming signs which allowed an owner to maintain a sign up to 30% of its total value each year and if it got knocked down or destroyed they could re-erect it at a cost of no more than 50% of its value.

SENATOR SWYSGOOD asked if the rule could allow the Department to do something about the nonconforming signs, such as determine they had to be removed or after a certain period of time there would be a fine for nonreplacement or removal? Mr. Munger said the Department couldn't make them take the sign down because it was a property right. He stated he did not know if the Department could make them take a sign down in 10 years. He commented that it had never been an issue.

Closing by Sponsor:

SENATOR WELDON asked the Committee to consider the two amendments proposed. He suggested the Committee resist the amendment offered by Frontier Advertising, primarily because of the Task Force work and the consensus developed therein. He maintained that any who had been involved in a consensus process understood the difficulty of a change later on in the process. He said SENATOR STANG'S suggestion seemed like a reasonable one, as the fees would be set by rule and the Highway Commission was to set those fees. He proposed Mr. Munger pass that suggestion along to the Highway Commission.

SENATOR WELDON stated that last September the Governor wrote that outdoor advertising played an important role in Montana's economy, while at the same time he thought we all recognized that development needed to proceed in a way that protected or enhanced the natural beauty of the State. SENATOR WELDON maintained that the Governor was seeking assistance to sort out these issues to arrive at appropriate recommendations. SENATOR WELDON claimed SB 181 answered that call and urged a Do Pass recommendation.

MONTANA SENATE
1995 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE _____

2/2/95

[illegible]

SEN:1995
wp.rollcall.man
CS-09

Billboard compromise reached

KALISPELL (AP) — A task force of civic activists and the billboard industry has agreed on a compromise plan to restrict the size and location of billboards, and an Arlee lawmaker plans to introduce a bill writing the compromise into law.

The law would cut the maximum size of a billboard by nearly half and reduce the allowed number of signs by two-thirds. It was worked out by a task force organized by Gov. Marc Racicot.

The proposed legislation is being introduced by Sen. Jeff Weldon, D-Arlee, who also is a member of the task force.

Billboard opponents from Flathead, Lake and Missoula counties met with Racicot in August to press for controls because some out-of-state billboard companies were putting up billboards larger than the standard 14 by 48 feet.

The governor proposed getting both sides together and working out a compromise, said Rich Munger, outdoor advertising coordinator for the Montana Department of Transportation.

Joan Vetter of Citizens for a Better Flathead, one of the groups on the task force, said activists learned quickly that most Montana billboard companies also were unhappy with the oversize billboards, which had

overwhelmed their signs and given the industry a black eye.

The group met twice in December to devise a compromise bill.

"Both sides, the scenic advocates and the industry people, walked away feeling pretty good," said Munger.

The proposal would reduce the maximum sign size to 672 square feet, from the current 1,200 square feet. The maximum length would be reduced from 60 to 48 feet. Fourteen by 48 feet — 672 square feet — is a standard size for billboards, said Munger.

Present law limits billboard faces to 40 feet high but puts no restrictions on how tall the poles can be. The new bill would limit signs to 30 feet high, measured from the road surface.

The current formula allows up to six billboards for a business along a highway. The new law would allow billboards only on the same side of the road as the business, and only two.

A final change would replace the \$6 permit fee with one set by the Montana Highway Commission, based on square footage. The money would go toward enforcement of state sign regulations.

Gazette, 1/4/95

SENATE HIGHWAYS
EXHIBIT NO. 2
DATE 2/8/95
BILL NO. SB 181

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SENATE HIGHWAYS

EXHIBIT NO. B

DATE 2/2

BILL NO. SB 181

February 2, 1995

Senate Highways and Transportation Committee
Capitol Station
Helena, MT 59620

Subject: Senate Bill No. 181

The proposed revisions to Sections 75-15-101, et seq, "The Outdoor Advertising Act" result from consensus of members of the Governor-appointed Outdoor Advertising Control Task Force established in October of 1994.

During the last two years, a number of large billboards were erected along I-90 in western Montana and along US-93 from west of Missoula to Kalispell. A group of scenic advocates expressed concern to Governor Racicot. As a result, the Governor created a task force assigned to make recommendations on revisions to current regulations.

In his letter to task force members, Governor Racicot said:

"There are obviously differing opinions on how billboards ought to be regulated. And to some degree these things are dictated by federal statute. We do have some flexibility in program policy and how it's administered, and based on the comments I've received, I think it's time we look into this issue again.

"Outdoor advertising plays an important role in Montana's economy. At the same time, I think we all recognize development needs to proceed in a way that protects or enhances the natural beauty of our state. So I'm seeking assistance to sort out the issues and come up with appropriate recommendations."

The task force included outdoor advertising industry representatives, scenic advocates, local government planners, a state senator and a county commissioner.

Proposed Revisions

75-15-103.(14) changes the definition of "unzoned commercial or industrial area" to eliminate lands on the opposite side of the highway from a qualifying activity for the placement of outdoor advertising:

75-15-113 reduces the maximum size of signs. Subsection (1) reduces the square footage of signs from 1,200 to 672. Subsection (2) reduces the length of a sign from 60 feet to 48 feet.

Subsection (3) allows for a sign to be 40 feet high. The current height restriction is limited to the sign face which means there's no restriction on the height of the structure. The proposed revision to Subsection (3) provides for a maximum height of the sign structure to 30 feet above the road surface.

75-15-122 currently requires a \$6 fee to accompany applications for sign permits. It also provides for a \$3 renewal fee every three years (\$1 per year).

The revision proposes a nonrefundable fee for initial applications and renewals based on the square footage of the sign face. The fees will be established, by rule, to cover a portion of the cost of administering and enforcing outdoor advertising regulations.

The current regulations, which have not changed in the proposed revisions, provide the fees be paid into the highway account in the state special revenue fund.

The intent of the proposed fee changes is two-fold:

- Applications made under the current regulations allow for a refund of fees if the application is denied. In the past, spurious applications have been submitted which require considerable staff time to determine if they meet regulations. Costs are incurred that are not, in any way, covered by the applicant.
- The \$6 application fee was set by statute in 1971 and hasn't been changed since then. The fee doesn't cover the cost of processing the fee itself, notwithstanding the costs of application review. The intent of this revision is to cover processing costs and a portion of the review costs.

Senate Highways and Transportation Committee
Page 3
February 2, 1995

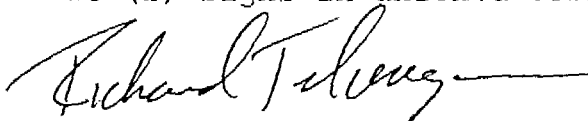
Amendments

Since the introduction of Senate Bill No. 181, we're suggesting the following amendments:

In the title and 75-15-122(c), there is reference to administrative rules established by the Department. The amendments suggest changing "Department of Transportation" to "the Montana Highway Commission" who has the authority to establish administrative rules.

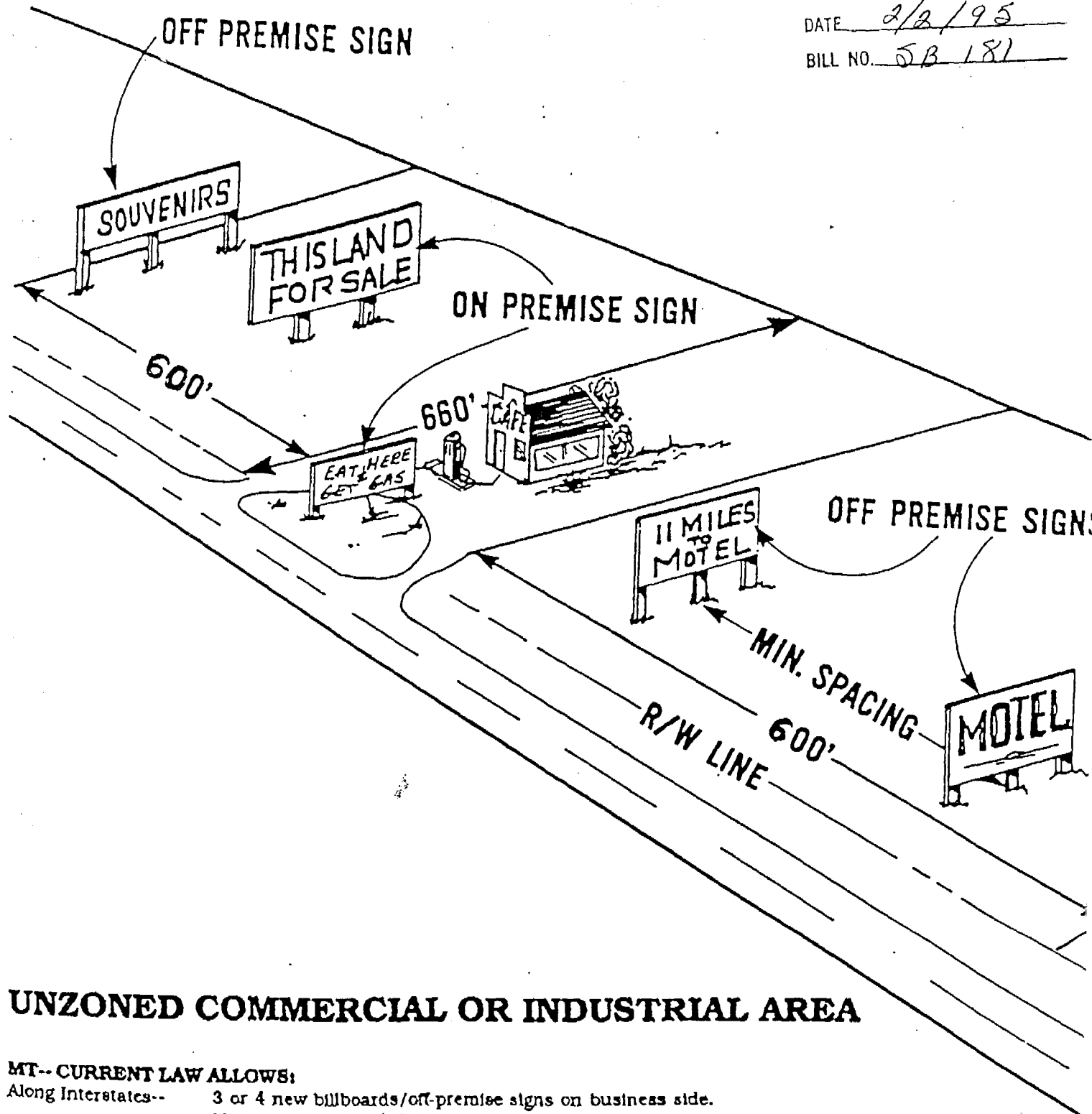
The task force reached consensus on the number of signs allowed from a qualifying activity in an unzoned commercial or industrial area. We presumed the limitation could be accomplished by administrative rule. It was determined that limiting the signs must be established by statute.

Therefore, 75-15-11(e) is amended to allow for a maximum of two (2) signs in unzoned commercial and industrial areas.



Richard T. Munger, Coordinator
Outdoor Advertising Control

RTM:D:PAF:28.dlm



UNZONED COMMERCIAL OR INDUSTRIAL AREA

MT-- CURRENT LAW ALLOWS:

Along Interstates--

3 or 4 new billboards/off-premise signs on business side.
Minimum spacing 500 ft. apart.

Along Primaries--

3 or 4 new billboards on other side of road depending on area.
4 or more billboards/off-premise signs on business side.
Minimum spacing 300 ft. apart
4 or more new billboards/off-premise signs possible on other side of road.
Minimum spacing 300 ft. apart.

In this area Task Force consensus recommendation will allow:

A maximum of two billboards on the business side of the road
The area on other side of highway no longer qualifies.

We commend the industry representatives for agreeing to this change. It provides new advertising opportunities but preserves unbroken vistas.

Some Outdoor Advertising Terminology:

Off-premise signs are all signs which advertise a business or activity not on the particular piece of property on which they are erected.

On-premise signs are signs erected on property for the sole purpose of advertising its sale or lease or of advertising an activity conducted on the property. To qualify as on-premise a sign advertising an activity conducted on the property must be located on the land actually used or occupied by the activity.

Non-conforming sign means one which was lawfully erected but which does not comply with the provisions of state law or local regulations passed at a later date, or which later fails to comply with the state law or state regulations due to changed conditions. Illegally erected or maintained signs are not non-conforming signs.

Conforming signs are ones which were lawfully erected and which comply with spacing, zoning, size, lighting and all other requirements under the Outdoor Advertising Act and the outdoor advertising regulations promulgated by the highway commission.

Unzoned Commercial or Industrial Area means an area not zoned by state or local law, regulation, or ordinance that is occupied by one or more industrial or commercial activities, other than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent to the activities.

The following criteria used to determine an area's qualification status are:

- The permanent buildings or improvements comprising a business used to qualify an area must be located within 660 feet of the right-of-way of an interstate or primary highway.
- The business must be clearly visible to the traveling public and be easily recognizable as a commercial or industrial activity.

Citizens' Coalition for A Scenic Montana*
#1 2nd Ave. East C-153
Polson, MT 59860

* Scenic Preservation Group--Citizens for a Better Flathead. Save America's Visual Environment.
Citizens for Scenic Lake County

TASK FORCE BILL S.B. 181**How Does Montana's Outdoor Advertising Act Compare with
Other States?**

We compliment the outdoor advertising industry for their willingness to face this issue. Companies operating for many years in Montana have shown restraint under what is, we have discovered, the most lenient law of ten states surveyed. With the recent proliferation of huge out of state signs, we can no longer proceed without fixing this 24 year old dinosaur. Senate Bill 181 is the result of consensus by divergent views. It is imperative that you carry it through into law. (see Consensus Sheet)

Are these changes reasonable? We looked at the outdoor advertising law in seven other Western states--Washington, Oregon, Texas, Colorado, Idaho, Arizona, California-- as well as Maryland and North Carolina. Our agreed upon changes in size, location and number of signs, and permit fees were put side by side with theirs.

Size. The issue of "too large" signs concerned most Task Force members. Current Montana law allows a maximum of 1200 sq. ft. Most signs erected before 1993 were smaller, but a rash of these huge boards have recently appeared. Only California and Arizona allow 1200 sq. ft. signs and only in zoned commercial and industrial areas. Maryland and Idaho allow 1000 sq. ft., Washington and Texas, 672 sq. ft. Oregon's maximum size is 825 sq. ft. for relocated signs, but they allow no new signs in the state. Colorado does allow 1200 sq. ft. in areas zoned commercial/industrial prior to 1970, but local ordinances keep these to under 800 sq. ft. New signs in other areas can be no larger than 150 sq. ft. The Task Force agreed to reduce sign size in Montana to the industry standard of 672 sq. ft.

Height. Montana now sets the maximum height for the sign face (poles not included) at 30 feet. Every state surveyed limits face height to 25 feet. In an effort to provide for advertising but not block views, the new maximum height of 30 feet is measured from the roadbed to the top of the sign face. No limit is put on the height of the actual sign face.

Width. Currently allowable width in Montana is 60 ft. Although Arizona, California and Texas also allow that, Washington, Maryland and Idaho limit width to 50 ft. In the interest of smaller signs, the task force agreed on a new width of 48 ft.

How many signs are there out there? The Montana Dept. of Transportation estimates 4000 legal signs are on interstate and primary roads in Montana today. This printout lists a total of 1165 new sign permits issued in just five of the last 10 years. That is an average of 320 signs/year in the past three years alone. New permits have gone up from 97 in 1984 to 324 last year, even though three prime sign counties had freezes in place in '93 and '94. If the trend continues, Montana will have 7720 off-premise signs by the year 2020.

Unzoned Commercial/Industrial Areas. In order to slow the increase, the Task Force agreed to reduce the number of permitted signs in unzoned commercial/industrial areas to two (2). Under current Montana law, one gas station or taxidermy shop out in rural Montana qualifies 6 billboards on interstate and as many as 12 on Primary roads. Both sides of the road within 600 feet either side of the business become qualified for billboards. (see diagram)

Of the states which qualify unzoned c/i areas for billboards, Washington requires there be 3 adjacent business, and Texas requires 2. Idaho, Arizona, Oregon and Montana require only one.

Washington and Montana allow unzoned commercial or industrial activity to qualify both sides of the highway for billboards. Oregon, Texas, Idaho and Arizona allow only the same side. Maryland, Colorado, and California, as well as two other Western states--Alaska and Hawaii--do not recognize unzoned commercial and industrial areas at all for **any** billboards. The Task Force agreed to limit signs to one side of the road.

Permit Fees. Montana's current fee for a sign permit is the lowest of all 10 states. At \$2/yr for the first three years, and \$1/yr thereafter, program costs far exceed permit revenue. In state law, the fee hasn't been raised since 1971. Washington, with a \$10/yr fee is the next lowest. Yet Texas charges a \$96 initial fee and \$40 annual renewal; and California's initial fee is \$520, with a \$20 annual renewal. No state surveyed said revenue covered program costs of permit processing, administration and legal expenses. Those with the dollar amount in rules, not in law, were best able to adjust fees to current costs.

Even with the proposed modified Oregon fee schedule (Theirs is annual, ours will be every 3 years), only Washington, Arizona and Maryland will have lower initial fees than Montana. No state will have lower renewal ones.

Every state surveyed except Montana has annual fees.

Only Montana and Washington refund fees if an application is denied, even though staff time has been invested in processing, verifying and inspecting the site.

What is the Cost of the Outdoor Advertising Program? If fees do not cover the cost of a program, taxpayer money--either from the state's general fund or Federal Highway funds--does. **A raise in fees to those who directly benefit from the program translates into a tax reduction for the citizens of Montana, not an increase in revenues.** The new fee schedule will save Montana taxpayers \$27,900. This will still leave a deficit of \$17,500/yr. for them to pick up.

Montana's law overall is the weakest of all ten states surveyed. Because seven of these are our neighbors and fellow competitors for tourists who are interested in seeing scenery as well as finding services, it makes economic sense to strengthen Montana's law with Senate Bill 181. We appreciate members of the industry who worked with us to reach this compromise. We ask your help to carry it on into law.

Information prepared by Task Force Members:

Sara Busey, Save America's Visual Environment

Dana Boussard, Save America's Visual Environment

Rose Magnuson, Citizens for Scenic Lake County

Joan Vetter, Scenic Preservation Group--Citizens for a Better Flathead

Fern Hart, Missoula County Commissioner

Montana Audubon Legislative Fund
P.O. Box 595 • Helena, MT 59624 • 443-3949

Testimony on SB 181
Senate Hwy./ Trans. Committee
February 2, 1995

Mr. Chairman and Members of the Committee,

My name is Bill Allen and I am here today on behalf of the Montana Audubon Legislative Fund and I urge your support for Senate Bill 181.

Our nine chapters across Montana believe that scenic beauty along the state's roads and interstates is worthy of preservation. This bill will work to do this by limiting the number of new billboards as well as their size and height. We also concur with the Department that the current fee structure for such billboards is clearly outdated and should be amended.

The changes prescribed in SB 181 were agreed upon by consensus by the Governor appointed task force on Outdoor Advertising Changes. These changes were agreed upon by members of the billboard industry, scenic preservationist, county commissioners, and others. We therefore urge your support for the bill and the before mentioned amendments.

Thank You

SENATE HEARING
EXHIBIT NO. 70
DATE 2/2/95
BILL NO. SB 181

Frontier

OUTDOOR ADVERTISING

P.O. BOX
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(307) 234-
(800) 334-
FAX: (307) 266-

HEARING ON SB 181

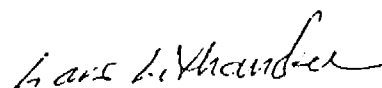
As a result of legitimate concerns arising in Western Montana, a Governors Task Force was called in late 1994 to address issues pertaining to new legislation regulating outdoor advertising in Montana. A result of the Task Force is proposed SB 181.

Currently, up to six sign locations can be permitted from one qualifying commercial activity along the Interstate highway system. The proposed legislation will now specify only two locations on either Interstate or Primary highways with both being on the same side of the roadway. Using the current six locations as an example, the industry is losing two-thirds of their potential business by going to two.

Frontier Outdoor Advertising supports SB 181 and urges its enactment but asks for the language to be ammended to allow two sign locations on either side of the roadway. That can mean two on one side, two on the opposite side or, split, with one on either side. The Montana Department of Transportation has indicated they will not oppose this change.

Thank you for your consideration.

Lars Lithander



Frontier Outdoor Advertising
P.O. Box 22405 Billings, MT 59104
(406) 655-0174

DATE 2/2

SENATE COMMITTEE ON Highways

BILLS BEING HEARD TODAY: SB 159 SB 181 SB 183

Name	Representing	Bill No.	Check One	
			Support	Oppose
Sara Bussey	Task Force	181	✓	
Joanne Rudie	SAVE	181	✓	
Jim Pannell	My HRE Adv	181 & 183		
Rich MURGER	Transportation	181	✓	
Diane Jones	SAVE	181	✓	
Rich McAtmond	My HRE Adv.	181-183		
Doc McAtmond	Summit Outdoor	181-183	1	
Wills Hall	myself	181-183	L	
Lars Lethander	Frontier Outdoor	181-83	✓	
John Waggoner	Josco Outdoor	181-83	✓	
Joan Vetter	OAC TASK FORCE	181-83	✓	
DAN ZITTEV	MT CHAMBER	159	L	
Bob Campbell	Self	181 & 183	X	
Pat Gindon	MDT	183	✓	
GARY GILMORE	MDT	159	✓	
Bill Allen	MT Audubon	181 & 183	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2/2

SENATE COMMITTEE ON Highways

BILLS BEING HEARD TODAY: SB 159- SB-181- SB183

Name	Representing	Bill No.	Check One	
			Support	Oppose
Robert White	Bozeman Chamber	159	✓	
HAL HAY	BLUE SKY SIGNS	181		
Gloria Hermanson		183	✓	
Rose Magnuson	Task Force	181	✓	
FRANK CROWLEY		183	✓	
Nick Rotering	DOT	183 181	✓	
Harriette Meloy		181 183	✓	
Stuart Duggitt	MT Tankers	181	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXECUTIVE ACTION ON SB 181

Motion:

SENATOR BARRY STANG MOVED TO AMEND SB 181 WITH AMENDMENTS
NUMBERED SB018101.ACE. (EXHIBIT # 3)

Discussion:

SENATOR JEFF WELDON explained the amendment would place language in the Bill that would limit the number of signs a business could have to two signs on one side of the road. He said the task force had felt this could be established with rules but had later concluded it should be put in statute.

SENATOR STANG asked if a sign on the business would count as one of the two signs described in SB 181? Mr. Munger replied it would not as the Department had no authority over on-premise signs.

SENATOR ARNIE MOHL asked if there were numerous businesses in the area and only two signs are allowed how would the Department determine who got the signs? Mr. Munger stated SB 181 only applied to unzoned commercial industrial areas and any qualifying activity would be allowed on a first come, first serve basis.

SENATOR MOHL clarified that he was referring to numerous businesses. Mr. Munger stated that each business could qualify for two off-premise signs on the same side of the road.

SENATOR MOHL asked how SB 181 would apply if an individual had businesses on both sides of the road. Mr. Munger stated the business could only qualify for two off-premise sign sites, both of which must be on the same side of the road. He said that if there was another business ¼ mile down on the same side of the road, it could possibly qualify for two sign sites and so forth.

SENATOR STANG asked if SB 181 would allow double sided signs? Mr. Munger stated the signs could be two sided, as sign face and the amount of advertising was not the issue. He attested that the issue was the sign structure itself.

SENATOR CHUCK SWYSGOOD asked if SB 181 would affect signs constructed on the Interstate for businesses that currently paid the price to advertise? Mr. Munger stated SB 181 had nothing to do with logo signs. He said this was regarding outdoor advertising off the right-of-ways on private ground.

THE QUESTION WAS CALLED FOR.

Vote:

THE MOTION TO ADOPT AMENDMENT SB018101.ACE CARRIED UNANIMOUSLY.

Motion:

SENATOR STANG MOVED TO ADOPT AMENDMENT SB018102.ACE. (EXHIBIT # 4)

Discussion:

SENATOR SWYSGOOD asked why an immediate effective date was being asked for. SENATOR WELDON replied that he was concerned with the period of time between when the Governor signed the Bill and July 1, which could allow people to construct a rash of large signs which did not meet new size regulations.

SENATOR STANG asked if currently permitted businesses in the process of building a sign would be affected if the effective date was changed? Mr. Munger replied that if the Bill passed the Department would take the position that any application received before the effective date would be treated under existing law.

THE QUESTION WAS CALLED FOR.

Vote:

THE MOTION TO ADOPT AMENDMENTS SB018102.ACE CARRIED WITH SENATOR SWYSGOOD VOTING NO.

Discussion:

Connie Erickson stated that Mr. Lars Lithander with Frontier Outdoor Advertising had, in his testimony at the hearing, asked for an amendment. She asked them to look at page 3, lines 5-8, and said Mr. Lithander had wanted to reinsert the stricken language. She said his amendment would limit a business to two signs but allow them to be placed on either side of the highway. She reported that she had only drafted the amendment in order to be prepared in case the Committee wanted to consider it. (EXHIBIT # 5)

SENATOR STANG asked if this amendment would directly conflict with SEN. WELDON'S amendment? Ms. Erickson explained it would not; the restriction to one side of the highway came in the stricken section in the definition of the unzoned commercial

industrial area. She stated that the language which had been stricken made that definition apply to only one side of the highway so that **SENATOR WELDON'S** amendment would now say two signs on one side of the highway. She explained that by retaining current law, **SENATOR WELDON'S** amendment would allow two signs on both sides of the highway.

SENATOR SWYSGOOD clarified that amendment SB018103.ACE, which would have to be offered, would still restrict it to two signs but one could be located on one side and one sign on the other side.

Motion:

SENATOR SWYSGOOD MOVED TO ADOPT AMENDMENT SB018103.ACE. (EXHIBIT # 5)

Discussion:

SENATOR REINY JABS asked why the Department wanted to limit signs to one side of the highway? **Mr. Munger** stated it was just to make it more restrictive and maybe create less problems with looking at the scenery. He said he was not sure why the task force had made that decision and maintained that the Department took no position on which side of the road the signs were on. He said that if he could speak for the Industry, he thought both sides seemed very important to them because of the viewing of the signs.

SENATOR SWYSGOOD stated the amendment, SB018103.ACE, was a valid request. He said that a business on an Interstate highway that was restricted to signs only on one side of the highway may have a highway layout which would not allow them a visible sign for traffic from both directions. He explained that geographics could definitely affect their traffic flow if restricted to signs on one side of the road.

SENATOR STANG stated that if a business was located at an Interstate exit there was already a prohibition regarding signs being within a certain number of feet of an Interstate exit. He maintained that if this person owned a business on one side of the exit and unless there was a business on the other exit going the other direction, which would permit two more signs, he would not be permitted to put a sign on either side of the exit anyway. **Mr. Munger** commented there seemed to be some confusion, as the signs affected by this Bill were off-premise signs and were not necessarily advertising for the business. **Mr. Munger** agreed with **SENATOR STANG** about the restriction because there was a 500 foot setback requirement at the exits. He said SB 181 affected signs that were sold by advertising companies that may be advertising something in Dillon when the business was located in Great Falls. He said it was not so much advertising businesses at the

intersection or even nearby, but businesses a hundred miles down the road.

SENATOR STANG commented he felt it was fair to not only restrict the size of the signs but also to require the signs to be close to the business.

THE QUESTION WAS CALLED FOR.

Vote:

THE MOTION TO ADOPT AMENDMENT SB018103.ACE CARRIED 7-2 ON ROLL CALL VOTE #3.

SENATORS TVEIT, SWYSGOOD, HOLDEN, NELSON, COLE, MOHL AND JABS VOTED YES.

SENATORS STANG AND JERGESON VOTED NO.

Motion:

SENATOR JERGESON MOVED SB 181 DO PASS AS AMENDED.

Discussion :

SENATOR STANG stated he would like the record to reflect that when the Department was adopting their rules they needed to pay particular attention to the definition of a qualifying business. He maintained there was a lot of money to be made on signs, and it would not be that expensive to put up a tin shack and a sign that indicated it was a qualifying business. He said he thought the Department needed to pinpoint what a qualifying business was when they wrote the rules and regulations. He termed the source of the potential problem as coming from people who found a loop hole in the qualifying business definition.

CHAIRMAN TVEIT asked if SENATOR STANG would like to amend the statement of intent to give some direction? SENATOR STANG stated he just wanted it on the record.

SENATOR SWYSGOOD asked if real estate for sale signs would be affected by this legislation? Mr. Munger replied they would not be included in this legislation.

{Tape: 1; Side: B}

SENATOR MOHL stated he had a problem with the 30 foot height restriction as it appeared there could be potential for a speed trap. He also asked if rules could be written regarding the removal of deteriorated signs? SENATOR STANG commented that when a billboard was nonconforming and the sign deteriorated the Department could send a notice giving 45 days to repair the sign. He said that at the end of the 45 days, if you had not fixed the

sign, the Department would give 15 days to remove the sign or they would come and remove it at the owner's expense. **Mr. Munger** stated that the rules on abandoned signs were a little hazy. He said **SENATOR STANG'S** statement was true if the Department was aware of the abandoned sign. He explained that another issue was that all signs had to be repermited every three years and that was really how the Department could tell if a sign had been abandoned. He said **SENATOR MOHL'S** statement was well taken, as he thought the Department should write something more specific in their rules regarding and defining abandoned signs.

SENATOR JABS asked if a nonconforming sign blew over could the owner reerect and repair it? **Mr. Munger** stated the 30/50 rule applied only to nonconforming signs, grandfathered signs that did not meet current requirements. He stated that legal conforming signs were not under the 30/50 rule and that rule stated that the owner of the sign could only repair the sign up to 30% of the value of the sign in any given year or if it were damaged or blown down, it could be reerected or repaired for no more than 50% of the value of the sign. He reported the problem with the 30/50 rule was that no one could agree on the value of the sign. It was an unenforced rule. He accounted that the rule resulted in many old signs not getting repaired because the owners feared that if they repaired the signs too much the Department would find them illegal. He said he thought the Department needed to visit with the Industry people regarding the 30/50 rule. As long as the Department was able to satisfy the Federal Highway Administration they should be able to make it a better situation to improve the signs.

SENATOR STANG asked, in regard to the 30 foot maximum height from the crest of the highway, what would happen in situations where the highway went through a cut and there was a 25 foot bluff? He said there was nothing in the language of the Bill which said 30 feet from the highway or 30 ft from the ground, and the described situation would not allow them to put a sign on a hill. **Mr. Munger** commented that where I-90 ran through Missoula's north side, all of the signs up on the cut would become nonconforming signs under this bill and the Department could not permit any more signs in that area.

SENATOR SWYSGOOD commented that was the problem with the Bill.

SENATOR STANG questioned whether the Bill could be amended to state that the sign could not be 30 feet above the roadway or 30 feet above existing ground and provide for the places where one side of the highway was higher than the other? He said SB 181 could be too restrictive in areas where there were a lot of hills or a dip in the road.

CHAIRMAN TVEIT asked why the limit had been made 30 feet when there were so many hills in Montana? **Mr. Munger** stated that was a good question and he could not speak for the task force, but he thought it became an issue of visuals that signs need not be

that high. He said there had been some concern that signs placed too high could become a safety issue when people were looking up to read them.

SENATOR STANG asked the sponsor if he would object to an amendment providing for 30 feet from ground level or 30 feet from the crest of the highway? **SENATOR WELDON** stated he believed some of the numbers were researched from other states, but he was not sure if the 30 foot limit was researched. He said he believed the concern expressed by scenic advocates was the visual impact of a sign that high. **John Waggoner, Billings member of the Task Force**, stated that when the 30 foot issue was addressed the task force had agreed on the limit because one of the primary concerns was that a sign which was too high was ineffectual anyway. He stated there was also some safety involved.

SENATOR SWYSGOOD stated that any one of the Committee members could think of a variance. It would not take much of a grade where the road was lower than the surrounding area that would cause a sign to become nonconforming because of the 30-foot limitation.

SENATOR GREG JERGESON commented that if a sign was too high it would not be seen.

SENATOR MACK COLE stated it appeared that the industry was not too upset about the 30 foot limitation and he thought maybe it was better left as it currently read.

SENATOR MOHL stated that if the signs were to be limited to the 30 foot height, in rolling country there would be signs down in the lower parts which would require larger poles which would create an added danger to the traveling public in instances when someone ran off the roadway. He said he did not feel anyone was going to put a sign at the top of a 30 foot cut.

SENATOR STANG asked **Ms. Erickson** if it would be difficult to conceptually draft the amendment stating 30 feet from existing ground? He affirmed the thought that the Industry would not put a sign at the top of a hill, but said that if there was a 25 foot hill they may want to put a sign at the 20 foot level of the hill. He said the amendment would allow the sign to be set on the ground and still build it to the 30 foot height. **Ms. Erickson** referred to page 3, line 24-27 as containing the height language, and noted current law as reading that the maximum height was 40 feet as measured from the ground or if the sign is attached to a structure as measured from the base of the sign itself. She recalled that the concern expressed in the testimony was in regard to the portion of language which stated 'attached to a structure as measured from the base of the sign itself'. She said it had been stated that in affect a sign could have 100 foot poles and then the sign would be measured 40 feet above that. She suggested it could read 'a maximum height of 30 feet as measured from the ground.' and not include the poles. **Mr.**

Munger drew a diagram and a brief discussion led to the suggestion that the language of the maximum height of the sign structure be left and the amendment would read 'or 30 feet as measured from the ground'.

Motion\Vote:

SENATOR STANG MOVED AMENDMENT SB018104.ACE TO SB 181 AND THE MOTION CARRIED UNANIMOUSLY. (EXHIBIT # 4A)

Vote:

SENATOR JERGESON RENEWED HIS MOTION THAT SB 181 DO PASS AS AMENDED AND THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 183

Motion:

SENATOR BARRY STANG MOVED TO AMEND SB 183 WITH AMENDMENTS NUMBERED SB018303.ACE.

Discussion:

SENATOR JEFF WELDON stated that during the hearing concerns had been expressed that the existing statement of intent was lacking. He explained that he had the goals of the feasibility study and incorporated them into this amendment for the statement of intent. He reported his main concern as making sure the Department's rules were compatible with other nationally adopted criteria for activities on the transportation system. He stated Pat Saindon of the Montana Department of Transportation had later told him the Department's intent was to include the 22 member advisory council, who helped with the feasibility study, in the drafting of the rules for the program. He affirmed the plan as making good sense. SENATOR WELDON encouraged the Committee to add a sentence to the amendments that the rules promulgated under this section be designed with the advice of the 22 member council.

SENATOR CHUCK SWYSGOOD stated statements of intent did not carry much weight once the legislation was in statute and rules were promulgated. He said that even though SENATOR WELDON'S suggestion was well intended, those people would likely be at the rulemaking hearings any way and he was not sure it would accomplish anything.

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE _____

2/4/95

[illegible]

SEN:1995
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CS-09

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 6, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration SB 181 (first reading copy -- white), respectfully report that SB 181 be amended as follows and as so amended do pass.

Signed: Sen. Tveit
Senator Larry Tveit, Chair

That such amendments read:

1. Title, lines 5 and 6.

Strike: "REVISING" on line 5 through ";" on line 6

2. Title, line 8.

Strike: "75-15-103"

Insert: "75-15-111"

Following: "AN"

Insert: "IMMEDIATE"

3. Page 1, line 11.

Strike: "department of transportation"

Insert: "highway commission"

4. Page 1, line 18, through page 3, line 14.

Strike: Section 1 in its entirety

Insert: "Section 1. Section 75-15-111, MCA, is amended to read:

"75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions. (1) Outdoor advertising may not be erected or maintained ~~which that~~ is within 660 feet of the nearest edge of the right-of-way and ~~which that~~ is visible from any place on the main-traveled way of an interstate or primary system, except:

(a) directional and other official signs and notices, which signs and notices include but are not limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as authorized or required by law;

(b) signs, displays, and devices advertising the sale or lease of property upon which they are located;

(c) signs, displays, and devices advertising activities conducted on the property upon which they are located;

(d) signs, displays, and devices located in areas ~~which that~~ are zoned industrial or commercial by a bona fide state, county, or local zoning authority;

(e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas ~~shall~~ must be determined from actual land uses and by agreement between the department and the secretary and defined by rules adopted by the

 Amd. Coord.

82 Sec. of Senate

311319SC.SPV

commission. The exception granted by this subsection ~~shall~~ is limited to two signs and may not apply to signs, displays, and devices located within an unzoned area in which the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

(f) signs or displays advertising the cultural exhibits of nonprofit historical or arts organizations if the signs or displays conform with the standards provided in Title 23, Code of Federal Regulations, section 750, subpart B; or

(g) signs that are consistent with the policy of this state and with the national policy set forth in 23 U.S.C. 131 and the regulations promulgated ~~thereunder~~ under 23 U.S.C. 131 and that are designed to provide information in the specific interest of the traveling public as provided in 60-5-504, 60-5-505, 60-5-511 through 60-5-513, and 60-5-519 through 60-5-521.

(2) Outdoor advertising authorized under subsections (1)(a), (1)(d), and (1)(e) ~~of (1) of this section shall~~ must conform with standards contained in and ~~shall~~ must bear permits required in rules ~~which~~ that are adopted by the commission and this part.

(3) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area if ~~such~~ the outdoor advertising is or was erected with the purpose of its message being read from ~~such~~ the main-traveled way and visible from ~~such~~ the main-traveled way unless ~~such~~ the outdoor advertising meets the criteria of subsections (1)(a), (1)(b), or (1)(c) ~~of (1) of this section~~. ~~Should such~~ If the outdoor advertising ~~meet~~ meets ~~said~~ that criteria, it ~~shall~~ must conform with standards contained in rules ~~which~~ that are adopted by the commission and with this part."

5. Page 3, line 26.

Following: "highway"

Insert: "or 30 feet as measured from the ground"

6. Page 5, line 22.

Strike: "department"

Insert: "commission"

7. Page 6, line 7.

Strike: "July 1, 1995"

Insert: "on passage and approval"

-END-

MONTANA SENATE
1995 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 2-4-95 BILL NO. SB 181 NUMBER 3

MOTION: Senator Mohl moved
Amendment # SB 018103 ACE

NAME	AYE	NO
LARRY TVEIT, CHAIRMAN	X	
CHUCK SWYSGOOD, VICE CHAIRMAN	X	
RIC HOLDEN	X	
LINDA NELSON	X	
MACK COLE	X	
BARRY "SPOOK" STANG		X
ARNIE MOHL	X	
GREG JERGESON		X
REINY JABS	X	

SEN:1995
wp:rlclvote.man
CS-11

Amendments to Senate Bill No. 181
First Reading CopyRequested by Senator Weldon
For the Senate Committee on Highways and TransportationPrepared by Connie Erickson
January 31, 1995

1. Title, line 8.

Following: "75-15-103,"

Insert: "75-15-111,"

2. Statement of intent, page 1, line 11.

Strike: "department of transportation"

Insert: "highway commission"

3. Page 3.

Following: line 14

Insert: "Section 2. Section 75-15-111, MCA, is amended to read:

"75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions. (1) Outdoor advertising may not be erected or maintained ~~which that~~ is within 660 feet of the nearest edge of the right-of-way and ~~which that~~ is visible from any place on the main-traveled way of an interstate or primary system, except:

(a) directional and other official signs and notices, which signs and notices include but are not limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as authorized or required by law;

(b) signs, displays, and devices advertising the sale or lease of property upon which they are located;

(c) signs, displays, and devices advertising activities conducted on the property upon which they are located;

(d) signs, displays, and devices located in areas ~~which that~~ are zoned industrial or commercial by a bona fide state, county, or local zoning authority;

(e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas ~~shall~~ must be determined from actual land uses and by agreement between the department and the secretary and defined by rules adopted by the commission. The exception granted by this subsection ~~shall~~ is limited to two signs and may not apply to signs, displays, and devices located within an unzoned area in which the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

(f) signs or displays advertising the cultural exhibits of nonprofit historical or arts organizations if the signs or displays conform with the standards provided in Title 23, Code of Federal Regulations, section 750, subpart B; or

(g) signs that are consistent with the policy of this state and with the national policy set forth in 23 U.S.C. 131 and the

regulations promulgated ~~thereunder~~ under 23 U.S.C. 131 and that are designed to provide information in the specific interest of the traveling public as provided in 60-5-504, 60-5-505, 60-5-511 through 60-5-513, and 60-5-519 through 60-5-521.

(2) Outdoor advertising authorized under subsections (1)(a), (1)(d), and (1)(e) ~~of (1) of this section~~ shall must conform with standards contained in and shall must bear permits required in rules ~~which~~ that are adopted by the commission and this part.

(3) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area if ~~such~~ the outdoor advertising is or was erected with the purpose of its message being read from ~~such~~ the main-traveled way and visible from ~~such~~ the main-traveled way unless ~~such~~ the outdoor advertising meets the criteria of subsections (1)(a), (1)(b), or (1)(c) ~~of (1) of this section~~. ~~Should such~~ If the outdoor advertising ~~meet~~ meets ~~said~~ that criteria, it shall must conform with standards contained in rules ~~which~~ that are adopted by the commission and with this part."

{Internal References to 75-15-111:

✓ 75-15-112 ✓ 75-15-113 ✓ 75-15-122 ✓ 75-15-122

✓ 75-15-123}

Renumber: subsequent sections

4. Page 5, line 22.

Strike: "department"

Insert: "commission"

Amendments to Senate Bill No. 181
First Reading Copy

Requested by Senator Weldon
For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson
February 3, 1995

1. Title, line 8.

Following: "AN"

Insert: "IMMEDIATE"

2. Page 6, line 7.

Strike: "July 1, 1995"

Insert: "on passage and approval"

Amendments to Senate Bill No. 181
First Reading Copy

Requested by Senator Stang
For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson
February 4, 1995

1. Page 3, line 26.

Following: "highway"

Insert: "or 30 feet as measured from the ground"

Amendments to Senate Bill No. 181
First Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson
February 3, 1995

1. Title, lines 5 and 6.
Strike: "REVISING" on line 5 through "ADVERTISING;" on line 6
2. Title, line 8.
Strike: "75-15-103,"
Following: "75-15-113"
Strike: ", "
3. Page 1, line 18 through page 3, line 14.
Strike: section 1 in its entirety
Renumber: subsequent sections

DATE 2-4-95

SENATE COMMITTEE ON HIGHWAYS
For Exer

BILLS BEING HEARD TODAY: SB 129 SB 159 SB 181
SB 183 HB 48

< ■ >

PLEASE PRINT

< ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
<u>PAT SAUNDON</u>	<u>MDT</u>	<u>183</u>		
<u>John Waggoner</u>	<u>NOSCO Outdoor</u>	<u>181</u>		
<u>Sue Kille</u>	<u>EXPOSE OUTDOOR</u>	<u>181</u>		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REP. BOB CLARK asked what the age minimum was. Ken Hoovestol replied that there was none. He said that it was hard to address that issue. He said that they would leave it to the parents' discretion.

REP. BOB CLARK asked if this program was "geared" for a four year old. Mr. Hoovestol replied no, that a four year old would not be able to pass the course.

REP. JACK WELLS asked if there was a riding part of the safety course. Liz Lodman, Department of Fish, Wildlife and Parks, replied that the home study course was a written course.
EXHIBIT 2

REP. JACK WELLS asked how old the person had to be in order to supervise these youngsters. Mr. Hoovestol replied that it was addressed as the minor would not be able to snowmobile on their own. He added that businesses do not rent to anyone under 12, even if an adult rents for a minor.

REP. ROD MARSHALL asked what the fine would be for a minor riding without the safety course. Mr. Hoovestol replied that it would be a misdemeanor.

REP. ROD MARSHALL asked where a person would go to receive a safety test. Mr. Hoovestol replied that they would go to a local authority.

REP. JOE TROPILA asked who would assume the liability. Mr. Hoovestol replied that currently it is on the local authority.

REP. JOE TROPILA asked who would assume liability if a snowmobiler hurt someone. Bob Walker replied that the Department of Fish, Wildlife and Parks would recommend that snowmobilers be insured. He said that it is up to the individual to get the insurance.

REP. JOE TROPILA asked if insurance would cover youngsters. Mr. Walker replied the age is not asked when applying for snowmobilers insurance.

Closing by Sponsor:

SEN. DON HARGROVE stated that SB 268 would give the people the incentive to be law-abiding citizens. He also said that this bill would address some current problems. He said that a youngster must be accompanied by an adult.

{Tape: 1; Side: 2; Approx. Counter: 001; Comments: New Side.}

HEARING ON SB 181

Opening Statement by Sponsor:

SEN. JEFF WELDON, Senate District 35, Arlee, stated that in 1983 several large billboards went up in his community. He said that

community groups formed from this issue and have come together. He said that there was a survey done in the Missoula and Kalispell areas and 75% of the people responded that there should be stricter regulations on billboards. He said that the governor called a task force on the issue and they have reached a consensus, which came to the committee as SB 181. He also said that there are some amendments requested by the Department of Transportation. EXHIBITS 3, 4 and 5

Proponents' Testimony:

Rich Munger, Department of Transportation, spoke in support of SB 181. (See Exhibits 3, 4 and 5)

Hope Stevens, Farmer, Lincoln, stated that "we need to keep Montana beautiful."

John Waggoner, Josco Outdoor Signs, Billings, Member, Governors Task Force, supported SB 181. EXHIBIT 6

Sara Busey and Karen Zwisler, Save America's Visual Environment, Member, Governor's Task Force, supported SB 181. EXHIBITS 7 and 8

Pamela Sourbear, Member, Governors Task Force, supported SB 181. EXHIBIT 9

Allen Mathews, Blue Rock Histories, Alberton, spoke in support of the bill. EXHIBIT 10

Willa Hall, Helena, spoke in support of SB 181.

Leslie Stavern-Millar, Artist, Missoula, said she supported the bill without amendments.

{Tape: 2; Side: A; Approx. Counter: 010; Comments: None.}

Lars Lithander, Frontier Outdoor Advertising, Billings, spoke in support of SB 181. EXHIBIT 11

Stuart Doggett, Montana Inn Keepers Association, supported SB 181.

Rose Magnuson, Member, Governors Task Force, Polson, spoke in support of SB 181. EXHIBIT 12

Bill Peter, Billings, said that he had a small billboard business and he supported the bill without the amendments.

Jim Pannell, Myhre Advertising, Great Falls, Member, Governor's Task Force, stated that this industry needs stronger regulations. He said that he supports the Department of Transportation's amendments as well as Mr. Wagonner's amendments.

REP. BOB REAM, House District 69, Missoula, stated that he was impressed with the conversations during the task force meetings and supported SB 181.

Daphne Jones, Save American's Visual Environment, spoke in support of SB 181.

Paul Whiting, Billings, submitted written testimony. EXHIBIT 13

Susan DeCamp, Billings, submitted written testimony. EXHIBIT 14

Richard Parks, Gardiner, submitted written testimony. EXHIBIT 15

Rosanna Buehl submitted written testimony. EXHIBIT 16

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. DAN MCGEE asked if the State can develop rules that are more restrictive than the federal government. Rich Munger replied that the language in current Montana law states that.

REP. DAN MCGEE asked if State law said they cannot be more restrictive than the federal law. Mr. Munger replied yes.

REP. LINDA MCCULLOCH asked someone to clarify the difference between "conforming" and "non-conforming" signs. Mr. Munger replied that a legal conforming sign was a sign that is permitted and would meet current standards. He said that a non-conforming sign could be an existing sign that had be grandfathered.

REP. LINDA MCCULLOCH asked someone to address the issue of having signs on both sides of the road. SEN. JEFF WELDON replied that the Senate Highways Committee amended that out of the bill. Lars Lithander stated that the task force agreed with both sides of the road.

Sarah Busey replied that Mr. Lithander was not on the task force.

Barry Simmons said that the task force voted 10 to 2 on that issue.

REP. LINDA MCCULLOCH asked if the original bill had only one side of the road. Mr. Simmons replied yes.

REP. DON LARSON stated that he does not see in the bill where it would address secondary highways. Mr. Munger replied that it was only addressing primary highways.

REP. DON LARSON said that a person could put up a 100 foot sign on a secondary highway. Mr. Munger said there are local ordinances against that type of thing.

REP. MATT BRAINARD asked if this would affect advertising on buildings. SEN. JEFF WELDON replied no.

REP. ROGER SOMERVILLE asked if it was possible to amend into the bill to add secondary highways. Mr. Munger replied that the federal code is specific on that issue. It would only address

the interstates and they do not have any jurisdiction over secondary roads.

REP. ROGER SOMERVILLE asked why the Senate Highways Committee made so many changes to the bill.

{Tape: 2, Side: 1; Approx. Counter: 001; Comments: New Tape.}

SEN. JEFF WELDON replied that the committee amended out what they felt was in compliance with current law.

REP. ROGER SOMERVILLE asked if a fee structure could be amended into the bill. SEN. JEFF WELDON replied yes, but he felt the bill was a great compromise those involved.

Closing by Sponsor:

REP. JEFF WELDON said that the task force had worked hard on this bill and it deserves careful consideration. He said he would look into the proposed amendments and asked the committee to look carefully into the amendments also.

{Tape: 2; Side: B; Approx. Counter: 090; Comments: Stopped tape for recess.}

HEARING ON SB 114

Opening Statement by Sponsor:

SEN. ARNIE MOHL, Senate District 39, Kalispell, stated that SB 114 would allow the Department of Transportation to change the appraisal limit from \$100 to \$2500. He said under \$2500 the property would not require an appraisal. He also said that this bill would save the Department funds.

Proponents' Testimony:

Gary Gilmore, Operations Engineer, Department of Transportation, stated that SB 114 would update costs. He said under current law the Department of Transportation could lose funds.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. ROGER SOMERVILLE asked who would perform the appraisals. Mr. Gilmore replied that it would depend if the Department of Transportation had an appraiser in the area of the property or not.

Closing by Sponsor:

SEN. ARNIE MOHL closed.

{Tape: 2; Side: B; Approx. Counter: 258; Comments: None.}

HOUSE OF REPRESENTATIVES

Highways

ROLL CALL

DATE March 1, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman			✓
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Matt Brainard	✓		
Rep. Bob Clark	✓		
Rep. Charles Devaney	✓		
Rep. Marian Hanson	✓		
Rep. Don Larson	✓		
Rep. Rod Marshall	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden		✓	
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	✓		

House Highways Committee
Page 3
March 1, 1995

EXHIBIT 3
DATE 3-1-95
SB 181

Requested Amendment

75-15-105 provides that state regulations cannot be more restrictive than federal code. Limiting the sign structure height to 30 feet, as proposed, is more restrictive than the requirements of Title 23, United States Code.

The amendment to 75-15-105, allows the regulations, in this case, the 30 foot height to be more restrictive than federal regulation.

The task force is commended for the work accomplished to provide this consensus legislation. Governor Racicot and Director of Transportation Marv Dye join me in endorsing Senate Bill No. 181 and respectfully request your consideration for its passage.



Richard T. Munger, Coordinator
Outdoor Advertising Control

RTM:D:PAF:37.dlm



Montana Department
of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Marc Racicot, Governor

EXHIBIT 3
DATE 3-1-95
SB 181

March 1, 1995

House Highways Committee
Capitol Station
Helena, MT 59620

Subject: Senate Bill No. 181

The proposed revisions to Sections 75-15-101, et seq, "The Outdoor Advertising Act" result from consensus of members of the Governor-appointed Outdoor Advertising Control Task Force established in October of 1994.

During the last two years, a number of large billboards were erected along I-90 in western Montana and along US-93 from west of Missoula to Kalispell. A group of scenic advocates expressed concern to Governor Racicot. As a result, the Governor created a task force assigned to make recommendations on revisions to current regulations.

In his letter to task force members, Governor Racicot said:

"There are obviously differing opinions on how billboards ought to be regulated. And to some degree these things are dictated by federal statute. We do have some flexibility in program policy and how it's administered, and based on the comments I've received, I think it's time we look into this issue again.

Outdoor advertising plays an important role in Montana's economy. At the same time, I think we all recognize development needs to proceed in a way that protects or enhances the natural beauty of our state. So I'm seeking assistance to sort out the issues and come up with appropriate recommendations."

The task force included outdoor advertising industry representatives, scenic advocates, local government planners, a state senator and a county commissioner.

Proposed Revisions

75-15-111(1)(e) provides a two-sign limit for permits issued based on a qualifying activity in unzoned commercial and industrial areas. Under current regulations, six to ten signs may be erected based on a similar qualifying activity.

75-15-113 reduces the maximum size of signs. Subsection (1) reduces the square footage of signs from 1,200 to 672. Subsection (2) reduces the length of a sign from 60 feet to 48 feet.

Subsection (3) currently allows for a sign to be 40 feet high. The height restriction is limited to the sign face which means there's no restriction on the height of the structure. The proposed revision to Subsection (3) provides for a maximum height of the sign structure to 30 feet above the road surface.

75-15-122 currently requires a \$6 fee to accompany applications for sign permits. It also provides for a \$3 renewal fee every three years (\$1 per year).

The revision proposes a nonrefundable fee for initial applications and renewals based on the square footage of the sign face. The fees will be established, by rule, to cover a portion of the cost of administering and enforcing outdoor advertising regulations.

The current regulations, which have not changed in the proposed revisions, provide the fees be paid into the highway account in the state special revenue fund.

The intent of the proposed fee changes is two-fold:

- Applications made under the current regulations allow for a refund of fees if the application is denied. In the past, spurious applications have been submitted which require considerable staff time to determine if they meet regulations. Costs are incurred that are not, in any way, covered by the applicant.
- The \$6 application fee was set by statute in 1971 and hasn't been changed since then. The current fee doesn't cover the cost of processing, notwithstanding the costs of application review. The intent of this revision is to cover processing costs and a portion of the review costs.

SB 181

TASK FORCE MEMBERS

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820 Division
Billings, MT 59101
(256-9920)

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(442-5096)

Dana Boussard
24425 Doney Road
Arlee, MT 59821
(726-3357)

Joan Vetter
Citizens For A Better Flathead
744 Hidden Valley Drive
Whitefish, MT 59937
(862-4942)

Senator Jeff Weldon
24460 Doney Road
Arlee, MT 59821
(726-3804)

Mary Kay Peck
Planning Director, AICP
311 West Main #4
Bozeman, MT 59715
(585-1465)

Gary Temple
Meadowlark Gallery
PO Box 475
Laurel, MT 59044
(628-8575)

Jan Camel
Division Of Lands
Confederated Salish & Kootenai
PO Box 278
Pablo, MT 59855
(675-2700 EXT.597)

Linda Brander
1011 Fifth Avenue
Helena, MT 59601
(442-8397)

Jim Pannell
Myhre Advertising
PO Box 1067
Great Falls, MT 59403-1067
(453-6592)

Fern Hart, Commissioner
Missoula County Courthouse
200 West Broadway
Missoula, MT 59802
(721-5700 ext. 3200)

EXHIBIT 4
DATE 3-1-95
SB 181

STAFF

Rich Munger
OAC Coordinator
Department Of Transportation
PO Box 201001
Helena, MT 59620-1001
(444-7603)

Glenn Marx
Natural Resources Policy Advisor
Office of the Governor
PO Box 200801
Helena, MT 59620-0801
(444-3111)

Nick Rotering, Staff Attorney
Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001
(444-6090)

Ray Harbin, Right of Way Agent
Missoula District, MDT
PO Box 7039
Missoula, MT 59807
(523-5852)

MAILING LIST

Chris Zukin
Frontier Outdoor Advertising
PO Box 2918
Casper, WY 82602-2918

Gordon Morris
MACO
2711 Airport Road
Helena, MT 59601
(442-5209)

Amendments to Senate Bill No. 181
Third Reading Copy

For the House Committee on Highways and Transportation

Prepared by Connie Erickson
February 27, 1995

1. Title, line 8.
Following: "~~75-15-103~~"
Insert: "75-15-105,"

2. Page 3.
Following: line 15
Insert: "Section 1. Section 75-15-105, MCA, is amended to read:
"75-15-105. Relaxation of regulations if federal law
changed. In the event the general requirements of Title 23,
United States Code, "Highways", or existing rules and regulations
of the United States department of transportation become amended
or changed to less restrictive conditions than presently exist,
then the commission ~~must~~ shall amend or change ~~such~~ the rules
that it may have adopted to come into conformity with the federal
law, rule, and regulation; ~~however, in no event shall this part
become more restrictive than is indicated herein by said federal
action.~~"
Renumber: subsequent sections

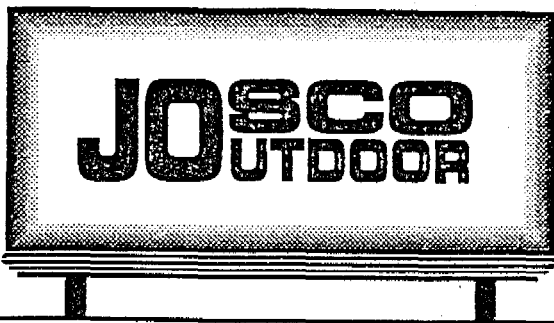


EXHIBIT 6
DATE 3-1-95

SB 181

820 DIVISION STREET
BILLINGS, MONTANA 59101

406-256-9920
FAX 406-248-5203

March 1, 1995

Rep. Schiell Anderson, Chairman
House Highways and Transportation Committee

Dear Mr. Chairman and Committee Members:

SB181, as it is currently written, has some major negative impacts on landowners, sign owners, and the businesses served by outdoor advertising. State and local governments would lose significant income and property tax dollars.

The provision allowing only two signs per qualifying business in unzoned commercial zones not only removes 2/3 of the future eligible locations, it would also make a great number of the existing conforming signs in these areas non-conforming; meaning that they are restricted to maintenance, repair, and/or replacement. If major damage occurs because of the elements or even vandalism, repairs would not be allowed and the sign would be removed. This would essentially amount to the taking of private property without compensation, which is prohibited by the Fifth Amendment of the U.S. Constitution.

Removal of these existing signs would result in loss of income for landowners, taxing entities, businesses served by signs and sign owners. Over a ten year period, these losses could conceivably amount to over \$100 million in Montana.

As a result of this non-conforming status, sign owners would incur an immediate devaluation of their property since there is no longer a predictable length of time that the signs might produce income. A buyer would not be willing to risk his money on an uncertain asset. Banks would also risk their collateral value because of the doubtful value of signs they may have financed.

I would like to propose that the Committee adopt the attached amendment to SB181 to protect those incomes and assets that were legally established under existing law by keeping their status as legal conforming signs which will be allowed to have maintenance and upgrades on them as they are now entitled with the exception that their size will not be allowed to increase.

I thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Waggoner", written in a cursive style.

John Waggoner
President

Amendments to Senate Bill No. 181
Third Reading Copy

For the House Committee on Highways and Transportation

Prepared by Connie Erickson
February 28, 1995

1. Page 4.

Following: line 22

Insert: "(4) Outdoor advertising structures in an unzoned commercial or industrial area that are lawfully in existence on [the effective date of this act] and that meet the size requirements in 75-15-113 but exceed the number allowed in subsection (1)(e) of this section must continue to be classified as conforming in accordance with department rules, if the outdoor advertising structures are not increased in size."

Governor Racicot's Task Force on The Outdoor Advertising Act Consensus on Changes

The following changes were agreed upon by consensus at the December 15, 1994, task force meeting by both billboard industry representatives and scenic preservationists. The Department of Transportation will propose the rule changes to the Highway Commission for their approval, and the law changes to the 1995 Legislature in a bill which will need all of our support if it is to pass.

RULES CHANGES

The applicant for a billboard permit shall obtain a written:

1. approval to erect the sign from the appropriate local governing body.
2. statement from the owner or occupant of the land consenting to the erection and maintenance of the sign.

LAW CHANGES:

Size - Maximum area 672 sq. ft. (down from 1200 sq. ft)

Maximum width 48 ft. (down from 60 ft.)

Maximum Height from the bottom of the sign: None (currently 40 ft.)

Maximum ceiling height from the road bed - 30 ft. (no limit currently)

Fees - Shall be determined by the square footage of the sign face(s) and set by the Highway Commission. (currently \$6 initially and \$3 every three years thereafter)

Unzoned commercial and industrial area -- One commercial or industrial retail or wholesale activity intended to serve the traveling public, open 40 hrs/week, year round, connected to utilities and in existence for 1 year qualifies **that side** of the road for 2 billboards within 600 ft. either side of the activity.

(Currently one commercial or industrial activity qualifies **both sides** of the road for a total of 6 billboards. No criteria exists for it to be open a certain number of hours or days, to serve the motorist off the road, or to be established for any length of time before billboards can be erected.)

S.B.181

Task Force on The Outdoor Advertising Act Members

Outdoor Advertising Industry

Josco Outdoor Advertising--John Wagonner (Billings)
Montana Sign Works--Barry Simmons (Helena)
Summit Outdoor Advertising--Allen Ormesher (Missoula)
Myhre Advertising--Jim Pannell (Great Falls)

Outdoor Advertising Business Owners/Clients

Meadowlark Gallery--Gary Temple (Laurel)
Montana Innkeepers Association--Herb Leubrecht (Butte)

Senator--Jeff Weldon (Missoula)

County Commissioner--Fern Hart (Missoula)

County Planner--Mary Kay Peck (Gallatin County)

Confederated Salish & Kootenai--Jan Camel (Pablo)

Citizens

Citizens for a Scenic Lake County--Rose Magnuson (Polson)
Save America's Visual Environment--Sara Busey (Missoula)
--Dana Boussard (Evaro)
Scenic Preservation Group--Joan Vetter (Whitefish)
Dean Jellison (Kalispell)
Linda Brander (Helena)
Paul Whiting (Billings)

TASK FORCE BILL S.B. 181

How Does Montana's Outdoor Advertising Act Compare with Other States?

We compliment the outdoor advertising industry for their willingness to face this issue. Companies operating for many years in Montana have shown restraint under what is, we have discovered, the most lenient law of ten states surveyed. With the recent proliferation of huge out of state signs, we can no longer proceed without fixing this 24 year old dinosaur. Senate Bill 181 is the result of consensus by divergent views. It is imperative that you carry it through into law. (see Consensus Sheet)

Are these changes reasonable? We looked at the outdoor advertising law in seven other Western states--Washington, Oregon, Texas, Colorado, Idaho, Arizona, California-- as well as Maryland and North Carolina. Our agreed upon changes in size, location and number of signs, and permit fees were put side by side with theirs.

Size. The issue of "too large" signs concerned most Task Force members. Current Montana law allows a maximum of 1200 sq. ft. Most signs erected before 1993 were smaller, but a rash of these huge boards have recently appeared. Only California and Arizona allow 1200 sq. ft. signs and only in zoned commercial and industrial areas. Maryland and Idaho allow 1000 sq. ft., Washington and Texas, 672 sq. ft. Oregon's maximum size is 825 sq. ft. for relocated signs, but they allow no new signs in the state. Colorado does allow 1200 sq. ft. in areas zoned commercial/industrial prior to 1970, but local ordinances keep these to under 800 sq. ft. New signs in other areas can be no larger than 150 sq. ft. The Task Force agreed to reduce sign size in Montana to the industry standard of 672 sq. ft.

Height. Montana now sets the maximum height for the sign face (poles not included) at 40 feet. Every state surveyed limits face height to 25 feet. In an effort to provide for advertising but not block views, the new maximum height of 30 feet is measured from the roadbed to the top of the sign face. No limit is put on the height of the actual sign face.

Width. Currently allowable width in Montana is 60 ft. Although Arizona, California and Texas also allow that, Washington, Maryland and Idaho limit

width to 50 ft. In the interest of smaller signs, the task force agreed on a new width of 48 ft.

How many signs are there out there? The Montana Dept. of Transportation estimates 4000 legal signs are on interstate and primary roads in Montana today. This printout includes a total of 587 permits for new signs issued in just five of the last 10 years. That is an average of 163 new signs/year in the past three years alone. New permits have gone up from 35 in 1980 to 149 last year, even though three prime sign counties had freezes in place in 1993 and 1994. If the trend continues, Montana will have 8238 off-premise signs by the year 2020.

Unzoned Commercial/Industrial Areas. In order to slow the increase, the Task Force agreed to reduce the number of permitted signs in unzoned commercial/industrial areas to two (2). Under current Montana law, one gas station or taxidermy shop out in rural Montana qualifies 6 billboards on interstate and as many as 12 on primary roads. Both sides of the road within 600 feet either side of the business become qualified for billboards. (see diagram)

Of the states which qualify unzoned c/i areas for billboards, Washington requires there be 3 adjacent business, and Texas requires 2. Idaho, Arizona, Oregon and Montana require only one.

Washington and Montana allow unzoned commercial or industrial activity to qualify both sides of the highway for billboards. Oregon, Texas, Idaho and Arizona allow only the same side. Maryland, Colorado, and California, as well as two other Western states--Alaska and Hawaii--do not recognize unzoned commercial and industrial areas at all for **any** billboards. The Task Force agreed to limit signs to one side of the road.

Permit Fees. Montana's current fee for a sign permit is the lowest of all 10 states. At \$2/yr for the first three years, and \$1/yr thereafter, program costs far exceed permit revenue. In state law, the fee hasn't been raised since 1971. Washington, with a \$10/yr fee is the next lowest. Yet Texas charges a \$96 initial fee and \$40 annual renewal; and California's initial fee is \$320, with a \$20 annual renewal. No state surveyed said revenue covered program costs of permit processing, administration and legal expenses. Those with the dollar amount in rules, not in law, were best able to adjust fees to current costs.

Even with the proposed modified Oregon fee schedule (Theirs is annual, ours will be every 3 years), only Washington, Arizona and Maryland will have lower initial fees than Montana. No state will have lower renewal ones.

Every state surveyed except Montana has annual fees.

Only Montana and Washington refund fees if an application is denied, even though staff time has been invested in processing, verifying and inspecting the site.

What is the Cost of the Outdoor Advertising Program? If fees do not cover the cost of a program, taxpayer money--either from the state's general fund or Federal Highway funds--does. **A raise in fees to those who directly benefit from the program translates into a tax reduction for the citizens of Montana, not an increase in revenues.** The new fee schedule will save Montana taxpayers \$27,900. This will still leave a deficit of \$17,500/yr. for them to pick up.

Montana's law overall is the weakest of all ten states surveyed. Because seven of these are our neighbors and fellow competitors for tourists who are interested in seeing scenery as well as finding services, it makes economic sense to strengthen Montana's law with Senate Bill 181. We appreciate members of the industry who worked with us to reach this compromise. We ask your help to carry it on into law.

Information prepared by Task Force Members:

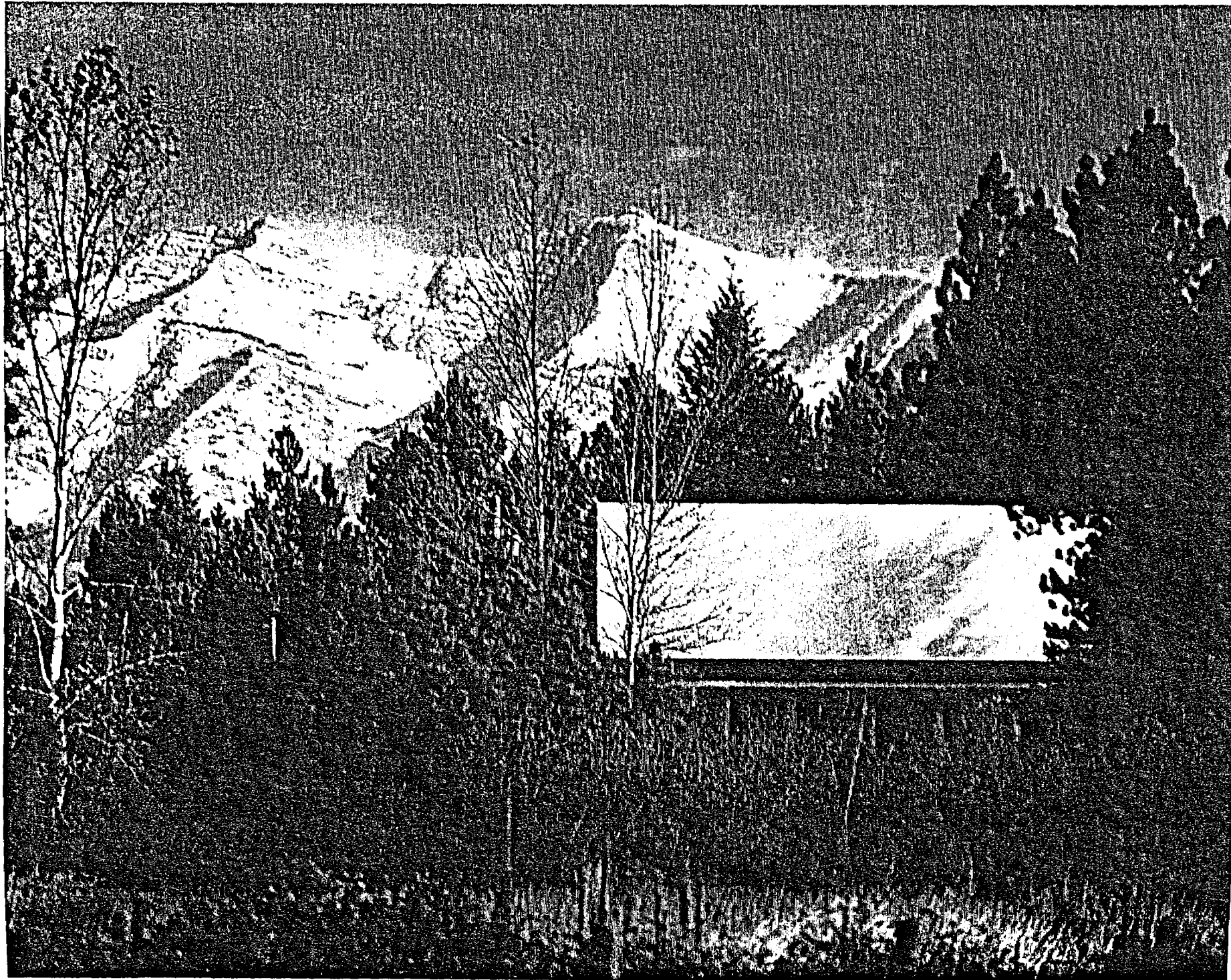
Sara Busey, Save America's Visual Environment
Dana Boussard, Save America's Visual Environment
Rose Magnuson, Citizens for Scenic Lake County
Joan Vetter, Scenic Preservation Group--Citizens for a Better Flathead
Fern Hart, Missoula County Commissioner

9

ENCLOSURE

DATE 3-1-96

SR 181



Freda

LOUNGE
CASINO

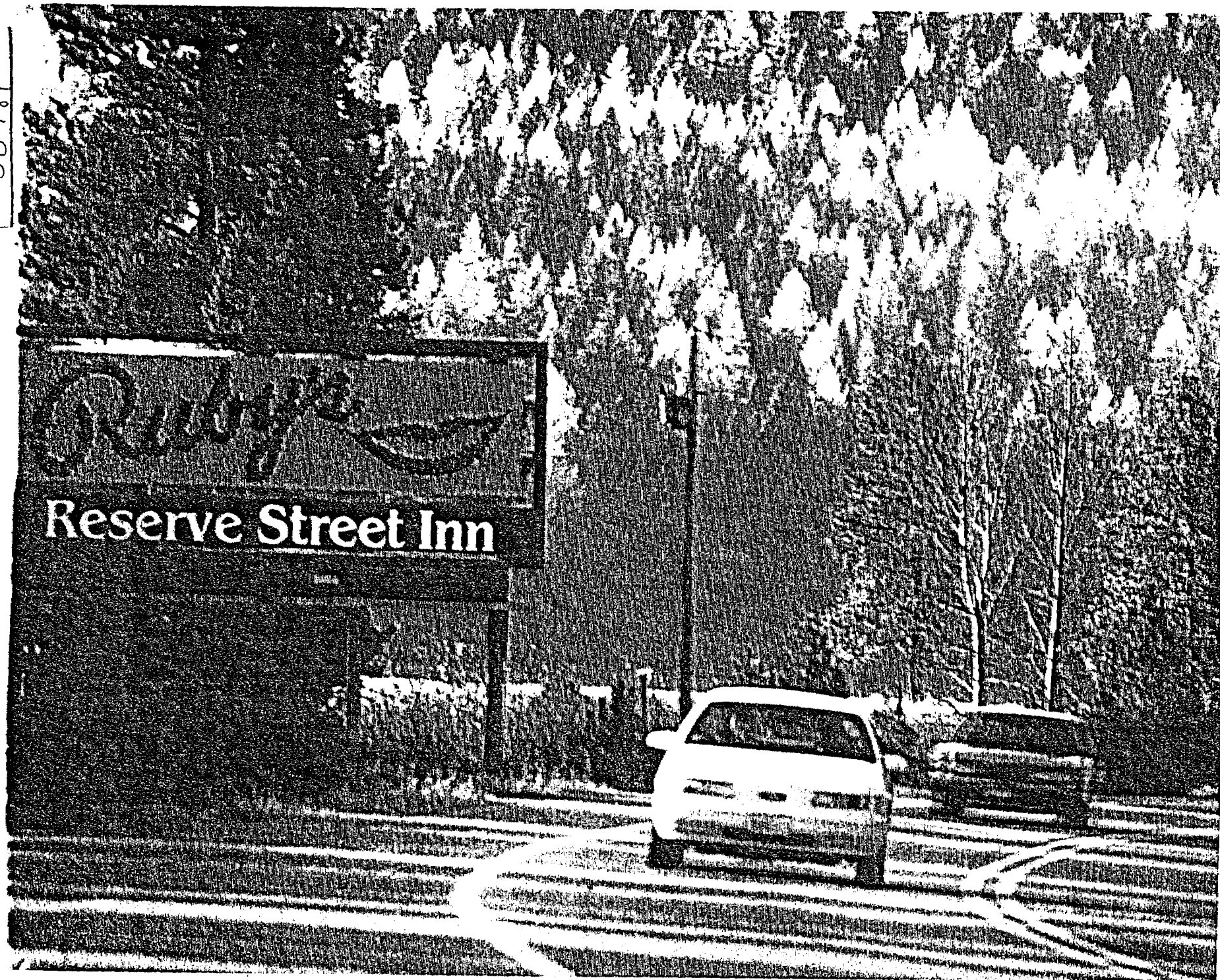
Exotic Dancing Nightly

HWY 93 & I-90

EXHIBIT

DATE 3-1-95

SB 181



LINCOLN'S WORLD FAMOUS
10,000 SILVER \$
80 MILES • EXIT 16 • 80 MILES



St. Regis
60 Mi

Jasper's
RESTAURANT
(Exit 33)

R.V. Dump/Propt 16
C-Store | estoura t
PLEASANT VIEW RU EXIT 42 80

Proponent of S.B. 181
Testimony of Pamela Sourbeer
1028 Grizzly Mountain Road
Missoula, MT 59802

Presented to House Highway Committee
Honorable Shiell Anderson, Chair
March 1, 1995

I am here to testify in support of S.B.181, with only the Task Force consensus amendments.

There is a very old and familiar Chinese proverb that says "a picture speaks a thousand words." I think these pictures are convincing evidence as to why this legislation is important. All but one of the photographs you have in front of you were taken near my home in Evaro; the fourth photograph is west of Missoula near Frenchtown. Evaro is west of Missoula and north on Highway 93--it's the Gateway to Glacier National Park.

Highway 93 passes through areas of our state that are endowed with spectacular natural beauty, including impressive views of the Mission Mountains. You would not think of obstructing the view of one of the beautiful Charlie Russell paintings in this historic building, so why do we want to block the view of the landscape that has been and still is the inspiration for so many Montanans.

Open space increases the attractiveness of a community and its desirability as a place to live, to work, to visit, and to invest. Yet the companies and individuals responsible for this form of "litter on a stick" are contributing to the deterioration of Montana's unique scenic character and natural beauty.

I was surprised when I read the Fiscal Note for S.B. 181 and saw what a small price these companies may pay for a permit. The revenues from permits and renewal fees barely cover 50 percent of the cost to regulate the program. This is not good business sense, and why should the taxpayers have to pick up the difference? It is my understanding these advertising companies charge approximately \$500 to \$600 a month for the space. Charging only \$20 for a three year renewal fee is pointless!

S.B. 181, Governor Racicot's Task Force Bill, has taken a positive step by reducing the maximum size for new signs to 672 square feet and by setting a ceiling height of 30 feet to the top of the sign. However, I urge you to please restore the provision which limits billboards to only one side of the road in unzoned commercial areas.

Thank you for the opportunity to present this testimony.

BLUE ROCK HISTORIES

"Historical Research for Montana"

EXHIBIT

DATE

10
3-1-95

SB

181

Allan Mathews, Historian • Box 145 • Alberton, Montana 59820 • (406) 722-3346

February 28, 1995

House Highway Committee
House of Representatives
Capitol Station
Helena, MT 59620

RE: S.B. 181 - Support, with only Task Force consensus amendments

Dear Chairman Anderson and Committee Members:

My name is Allan Mathews and I live in Alberton, Montana, a town that has recently had to deal directly with the negative implications of what is allowed under the present outdoor advertising law. As a businessman, I am a long-time supporter of responsible advertising, having served as president of Alberton's economic development organization, as a town council member and as county planning board representative. However, I and many others, have come to recognize that the current law allows for abuses that degrade the integrity of our landscapes and hurt the economic factors that bring tourists to our beautiful state.

Year after year, studies conducted by the Institute of Tourism and Recreation at the University of Montana, have shown that viewing scenery was the most commonly mentioned primary attraction for vacation travelers to visit Montana. The giant billboards allowed under present law are in direct conflict with that information. We need to provide the tourists with what they are looking for, and that is scenery, not glaring, intrusive advertisements. The Task Force bill S.B. 181, will help us regain a sensible balance between tourist information and economic good sense.

Back in the 1980s, the town of Alberton saw its economy decimated by the pull-out of the Milwaukee Railroad. Through the ensuing years we have pulled ourselves back up by realizing that the scenic and recreational opportunities presented by our area attract tourists, who in turn, help support our community with vacation dollars. The huge billboards that have recently spread throughout Montana are certainly not helping us preserve or foster that source of economic vitality. The Task Force bill, without the last minute amendment to allow billboards on two sides of the road per business, would assist communities throughout the state in tapping into the interest in Montana's scenic beauty.

In Alberton, three huge billboards have been erected, two of which border the town park and all three of which are visible from

residences. These billboards are lighted at night and create a visual nuisance that has intruded upon our rights to peacefully enjoy our property. The effect is a devaluation of our property value so that a sign company can realize profit. This situation is symptomatic of what is happening elsewhere in Montana under the present situation. Please pass the Senate Bill 181 with only the Task Force consensus amendments. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Allan Mathews".

Allan Mathews

EXHIBIT 11
DATE 3-1-95
SB 181

Frontier

OUTDOOR ADVERTISING

March 1, 1995

(406) 655-0174 P.O. BOX 2918
CASPER, WYOMING 82602

HOUSE COMMITTEE, HIGHWAYS and TRANSPORTATION SB 181

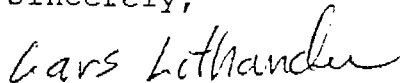
(307) 234-9107
(800) 334-3830
FAX: (307) 266-5519

SB 181, a result of the Governors Task Force, is a pretty good bill as it currently stands. A great deal of give and take went into its formulation. However, if the Task Force had a shortcoming, it was the time constraints under which it operated. Lots needed to be accomplished in a short time span. Under that type of deadline, some important items were either assumed or there was lack of clarification as to whether those items were to be dealt with as part of the proposed legislation or addressed in administrative rule changes. There is no blame for that.....it was simply that the rushed time frame did not provide for thoughtful examination of all ramifications of this proposed legislation.

The amending language that will allow this legislation to proceed from a "pretty good bill" to a "good bill" is to allow Outdoor Advertising in unzoned commercial or industrial areas, lawfully in existence as of the date of enactment of this legislation, to continue to be classified as conforming, provided the structure is not increased in size.

Without this language, the value of sign structures, both immediate and long term, is greatly reduced. Having already given up between 65-80 plus percent of potential business due to qualifying locations in unzoned areas going down to only two signs (from six or eight), the industry has given up a very major concession. It is vital that we be allowed to keep our existing signage in these areas in a conforming status. Not only does the industry and our clients justifiably benefit.....the motoring public benefits by viewing up-to-date, well maintained signage as opposed to such that is the opposite. I urge you to support this amending language.

Sincerely,



Lars Lithander
Frontier Outdoor Advertising
Billings, MT

S.B. 181 Testimony

House of Representatives Highway Committee

March 1, 1995

From Rose Magnuson, Task Force Member Polson, MT

Mr. Chairman and Members of the Committee.

I urge you to pass this bill and ask that you amend to restore this bill to its original form. That form took out language allowing new billboards on the side of the highway across from a qualifying activity in unzoned commercial/industrial areas.

The reasons are:

1. It was the Task Force consensus to remove the other side language from the original Act.
2. It was put back in by an out-of-state corporation and not agreed to by the Task Force.
3. It is counterproductive to the objective of clustering new billboards and preserving Montana's scenic vistas.
4. It was said to be necessary to allow more opportunity but the size and height of new billboards allows for plenty of visibility from both sides of the highway. (example)
5. It will interfere with future land use choices as this picture of a residential area shows.
6. We who pay taxes for highways want them built for safety and traveling enjoyment. Uninterrupted vistas are what we want to preserve and what over 90% of our tourists come here to enjoy.

This may seem a small thing to some of you but it will make a big difference in the future face of Montana. We thought we had a lot of space over west but we have seen how quickly our rural settings have been interrupted. We don't want Montana to look like Anywhere, U.S.A. along it's highways and your concerned decisions can balance the need for advertising and the need for space.

Please give this bill a "do pass". Thank you for your time.

75-15-103 (14) "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation, or ordinance which that is occupied by one or more industrial or commercial activities, other than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent to the activities and those lands directly opposite on the other side of the highway to the extent of the same dimensions and to a maximum depth of 660 feet when measured from the highway right-of-way: provided those lands on the opposite are not deemed scenic or having aesthetic value as determined by the commission.

(Underlined words beginning in line 5 are to be deleted by the Task Force consensus recommendations.)

To: Senator Iweitt and members of the Highways and Transportation Committee

EXHIBIT

DATE 3-1-95

SB 181

From: Paul Whiting
139 Wyoming Ave.
Billings, MT 59101
voice: 252-5647
fax: 248-6135

Subject: Senate Bills 181 and 183

I strongly urge your committee's support of these bills.

Montana has a national reputation for her scenery, but unfortunately in recent years that resource has been put at risk, largely through billboard proliferation. We must not let Montana look like most other states.

I say most other states because a few states, well-known for their attractiveness to visitors and a source of pride for residents, have outlawed billboards altogether. Simply naming these states, Alaska, Hawaii, Maine, and Vermont, brings to mind stunning scenery. Other states, while not outlawing billboards altogether, have done a better job than Montana at regulating signage. One simply has to cross the border into our neighboring state of Washington to see a striking difference in how that state values its scenic resources.

Business is not harmed by sign regulation, in fact evidence shows business is ultimately enhanced. We have friends in Wyoming who choose not to shop here because they say from the highway Billings looks like Anycity, USA.

Montana, and Montanans, deserve better. Please do what you can to keep the Big Sky open.

Thank you.

DATE 3-1-95
SB 181

The Honorable Marc Racicot
Helena, MT

Dear Gov. Racicot:

I am writing to express my support of limiting the proliferation of billboards on Montana's highways.

Montana is a beautiful place and its beauty is not just aesthetic, it is pragmatic. Montana is capable of attracting tourism and industry by maintaining its uniqueness and "Spirit of Place."

Limit the amount of ugly, landscape destroying billboards in Montana. Maintain the integrity of our visual environment--

It's good business!

Thank you,



Susan DeCamp
711 Ave. C
Billings, MT 59102
248-4543

#: 1525 S18/Mail
14-Nov-94 21:35 MST
Sb: Billboards
Fm: Richard Parks, 73057,301 [73057,301]
To: Paul Whiting, 73357,3324

Paul

As you know I own and operate a sporting goods store and outfitting business in Gardiner, MT at the north entrance to Yellowstone National Park. I have not had a billboard up for 20 years. There are two main reasons.

1. They are expensive to maintain, and unmaintained billboards give a very bad impression of your business to a potential client.
2. I don't think my clientele looks to billboards for information about my business. They are here to fish and look at the country - not billboards.

Distribution:

To: Paul Whiting, > [73357,3324]

#: 1532 S18/Mail
15-Nov-94 23:34 MST
Sb: Big skies and billboards
Fm: INTERNET:BlueCreek@aol.com
To: 73357,3324

November 14, 1994

Dear Paul,

I share your viewpoint that billboards form a blight on our land. As I travel to Red Lodge, for example, I could be looking at the beautiful bottom lands of Rock Creek, surveying the nearby sandstone outcrops for raptors, or enjoying the views of the Beartooths. Instead, I am confronted by unsolicited and unwanted exhortations to eat at this or that establishment, to visit this or that sight, to purchase trade goods for which I have no immediate use, and to sleep here or there. This simply should not be.

Ours is a beautiful state. Our motto and our tourist literature promote the attractions of our landscape. Why should we-and our visitors-be forced to peek between the legs of a grossly oversized sign to see this beauty?

Some have argued that billboards provide important information to travelers and justify their use on that basis. I ask them: What traveler has a need to find an investment broker? What trucker needs a billboard to tell him or her where to buy tires? How many of those driving the interstate need to know where to obtain heavy equipment? Yet, many of the signs along the highway between Laurel and Billings provide just this sort of useless information.

This is not to suggest that travelers have no need for some of the information that billboards currently provide. Travelers do need to know where to get gas, where to find a bite to eat, or where to pull in to sleep for the night.

We already have a suitable venue in which this information can be conveyed to the out-of-towner and this is on the smaller blue "logo" signs. Travelers are able to use these signs quite effectively, particularly so in locales in which the larger, more vulgar billboards are absent. Those who need further information could find it at conveniently located traveler's information sights, such as those offered by the Chambers of Commerce in Billings or Red Lodge. Business establishments that cater to tourist needs also could promote local attractions.

As a Montanan, I am proud of our big sky country. I share with my fellow Montanans a deep love for the beauty of our state. I want visitors to see our home, uncluttered by commercial intrusions. More importantly, I want us to be able to see an uncluttered roadside. Our environment can enrich our spirit through its beauty, or diminish it by surrounding us with the mundane, the ill-considered, and the trivial: the choice is ours. I, for one, choose beauty. Give us no billboards!

Yours,
Rosanna Buehl

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways and Transportation COMMITTEE

BILL NO. SB103, SB114, SB
38268

DATE 3-01-95 SPONSOR(S) Sen. Hargrove, Sen. Mohr, Sen. Wilden

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Amber Somburo</u> <u>223 W. Railroad, Mpls, 55402</u>	<u>Self</u>	<u>CB181</u> <u>X</u>	
<u>Leslie V. Stavern Millar</u>	<u>Self + Mt Artists</u>	<u>X</u>	
<u>Hape Jensen</u>	<u>Self -</u>	<u>X</u>	
<u>Lars L. Alexander</u> <u>SB 181</u>	<u>Frontier Outdoor</u>	<u>X</u>	
<u>PAUL KEETER</u>	<u>Hall Outdoor</u>	<u>181</u> <u>X</u>	
<u>John Waggoner</u>	<u>Jocco Outdoor</u>	<u>181</u> <u>✓</u>	
<u>Rae Magnusson</u>	<u>Citizen of scenic Lake County</u>	<u>✓</u>	
<u>Rich McAlmond</u>	<u>Mahre Advertising</u>	<u>✓</u>	
<u>RICH MANGER</u>	<u>Dept of Transportation</u>	<u>SB181</u>	
<u>Sara Bussey</u>	<u>Small America's Visual Environment</u>	<u>✓ 181</u>	
<u>Nick Rotering</u>	<u>DOT</u>	<u>SB 103</u> <u>✓</u>	
<u>Jean Keeter</u>	<u>Hall Outdoor</u>	<u>✓</u>	
<u>John Jones</u>	<u>Small America's Visual Environment</u>		
<u>Bob Campbell</u>	<u>Self</u>	<u>SB 181</u>	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

NO AMENDMENTS

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways & Trans.

COMMITTEE

BILL NO. SB103, SB114
SB181, SB268

DATE 3-01-95

SPONSOR(S)

Sen. Hargrove, Sen. Wake,
Sen. Wilson

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jim Pawell	MYNRE ADVERTISING		
Karen C. Zwisler	Citizens For a Better Flathead	SB181	
ALLAN MATHEWS -	BLUE ROCK HISTORIES-ALBERTA	X ¹⁸¹	
GARY GILMORE	MDT	without amend 114 X	
Ken Houmston	MY- Snowmobile Assn.	268	
Bill Hurrell	West Yellowstone	268	
Alan Lyons	Town of West Yellowstone	268	
Dennis Ogle	mt Snowmobile Assn.	268	
Kevin Ludeman	Rondosa Snow Machine	268	
Alvin Olson	MFWP	268	
Bob Walker	FWTP	268	
Harriet McLaughlin 1317 - 9th St. Missoula	Swiss American Travel Comm.	SB181	
Stuart Doggett	mt Innkeepers Assoc.	SB181	
Beth Winston	self	SB 181	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways + Trans . COMMITTEE

BILL NO. SB181

DATE 3-1-95 SPONSOR(S) Sen. Weldon

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Willis Hall - Helena</u>	<u>myself</u>	<u>SB181</u>	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

REP. PAT GALVIN asked if Ben Havdahl would explain one of his handouts. Ben Havdahl explained the handout. **EXHIBIT 2**

REP. PAT GALVIN asked if the Railway Progress Institution is linked to the American Association of Railroads. Mr. Havdahl replied that there is a lot of cooperation going on between the railways and the trucking industry.

Closing by Sponsor:

SEN. BILL CRISMORE stated that the main issue of SB 281 was that the State of Montana would be better off to have this in statute.

{Tape: 1; Side: A; Approx. Counter: 650; Comments: None.}

EXECUTIVE ACTION ON SB 181

Motion: REP. CHARLES DEVANEY MOVED SB 181 BE CONCURRED IN.

Motion: REP. CHARLES DEVANEY MOVED TO AMEND SB 181.

Discussion:

REP. CHARLES DEVANEY explained his amendments. **EXHIBIT 4**

Connie Erickson explained that only one of the amendments could be passed. **EXHIBIT 4 and 5**

{Tape: 1; Side: B; Approx. Counter: 001; Comments: New Side.}

REP. JEANETTE MCKEE asked if this would be a compromise for the task force.

REP. ROGER SOMERVILLE stated that these non-conforming signs are three times the size of the Charles Russell Painting in the House chambers. He said that these signs should not be grandfathered.

REP. DAN MCGEE stated that the Devaney amendment would be classified as conforming, when they really are not. REP. CHARLES DEVANEY replied yes.

REP. DON LARSON stated he is against the Devaney amendment because this would give these sign holders an advantage.

CHAIRMAN SHIELL ANDERSON asked if the 30 percent spent on maintenance was current law. Ms. Erickson replied yes.

REP. PAT GALVIN asked if they would restrict the size to 672 feet. REP. CHARLES DEVANEY replied yes. REP. PAT GALVIN said that the grandfathering in the bill would be larger than that 672 feet. Ms. Erickson stated that they would meet the new size requirements, but the issue is not the size, but the number of signs.

REP. PAT GALVIN asked if the size itself was conforming, but the amendment would mention the numbers of signs. Ms. Erickson replied yes.

CHAIRMAN SHIELL ANDERSON asked if this amendment was brought up in the Senate committee. Ms. Erickson replied no.

REP. PAT GALVIN asked if these signs were restricted to the same side of the highway. Ms. Erickson replied that the original bill restricted it to the same side of the highway, but the Senate Highways Committee amended it to say on both sides of the highway.

REP. DAN MCGEE stated that he was not comfortable calling something "conforming" when, in fact, it is "non-conforming." He also asked the committee to be careful with what they do with this bill.

Vote: The question was called on the DEVANEY amendment. A voice vote was taken. Motion FAILED with REP. CHARLES DEVANEY, REP. RICK JORE, REP. JOE TROPILA and REP. BILL RYAN voting yes.

Motion: REP. JEANETTE MCKEE MOVED TO AMEND SB 181.

Discussion:

REP. JEANETTE MCKEE explained her amendment. EXHIBIT 5

REP. CHARLES DEVANEY stated that the amendment would allow the signs to be maintained up to 75 percent of its value.

REP. PAT GALVIN asked if the amendment refers to numbers. Ms. Erickson replied yes, that the structure would have to meet size requirements, but would exceed the number requirement.

REP. JEANETTE MCKEE stated that even though these signs are "non-conforming" signs, they would not make them tear these signs down.

REP. PAT GALVIN stated that the intent of the SB 181 was to reduce the numbers of these signs. REP. JEANETTE MCKEE replied that her amendment would be a compromise.

REP. PAT GALVIN asked what the task force thought of this amendment. Dan Pennell stated that this issue was never discussed by the governor's task force.

Sarah Busey, Governor's Task Force, stated that the task force did discuss the issue, but they never decided on it. She said that they looked at other state laws to see what they considered as conforming and non-conforming.

REP. DORE SCHWINDEN stated he would support the McKee amendment.

CHAIRMAN SHIELL ANDERSON asked if the limit of two signs was per business. Rich Munger replied that it would be two signs per the business that was advertising on these signs.

REP. DAN MCGEE stated that the new area would have to fall under new law. He also said that an existing area that was already approved, could go up to ten signs.

CHAIRMAN SHIELL ANDERSON stated that "on one hand were taking away personal property rights and on the other they are increasing their property value."

REP. JOE TROPILA asked if one of the "non-conforming" signs blew down, could it be replaced. CHAIRMAN SHIELL ANDERSON replied with this amendment it could not.

REP. DON LARSON asked if the amendment does not pass would the current "non-conforming" signs have to be reduced down to "conforming" signs. Ms. Erickson replied no.

REP. PAT GALVIN asked if those with "non-conforming" signs would have a distinct advantage over those with "conforming" signs. Ms. Erickson replied that she didn't feel they would not have an advantage because they could not make any drastic changes on the signs.

REP. DAN MCGEE stated that if there is already six to ten signs in a zone there will not be any new signs in the zone.

CHAIRMAN SHIELL ANDERSON asked what the period of time the signs would depreciate. REP. CHARLES DEVANEY replied that issue would go back to the rules.

CHAIRMAN SHIELL ANDERSON stated that they have a property right and are not sure about limiting them to the 30% maintenance repair.

Vote: The question was called on the McKEE amendment. A voice vote was taken. Motion CARRIED with REP. DON LARSON, REP. BILL RYAN and REP. BOB CLARK voting no.

Motion: REP. ROGER SOMERVILLE MOVED TO AMEND SB 181.

Discussion:

REP. ROGER SOMERVILLE explained his amendment. EXHIBIT 6

REP. CHARLES DEVANEY asked if the cost of the fees would be set up by the Department of Rules. REP. ROGER SOMERVILLE replied yes.

CHAIRMAN SHIELL ANDERSON asked why it would be one year instead of three years. REP. ROGER SOMERVILLE stated that these signs should be reviewed for neatness and safety.

REP. BOB CLARK asked how many full-time employees would this amendment bring in. REP. ROGER SOMERVILLE replied he was not sure.

REP. BOB CLARK asked if one full-time employee would check all of the signs. REP. ROGER SOMERVILLE replied yes.

REP. BOB CLARK asked how often the signs are checked. REP. DON LARSON replied that in his area the maintenance crew oversees the sign maintenance. He also said that the amendment would cost money.

REP. JACK WELLS said that this amendment would regulate these signs too much.

{Tape: 2; Side: A; Approx. Counter: 009; Comments: New Tape.}

REP. ROGER SOMERVILLE stated that one year was adequate for the purchase of these fees.

REP. ROD MARSHALL replied that one year was too short a time for these permits.

REP. PAT GALVIN asked how often these signs were checked by the owners. No one in the committee knew the answer.

REP. LINDA McCULLOCH stated that the three-year limit is currently not working and felt that the annual permit was a fair solution.

Vote: The question was called on the SOMERVILLE amendment. A voice vote was taken. Motion FAILED 10 to 8 with REP. RYAN, REP. McCULLOCH, REP. LARSON, REP. SCHWINDEN, REP. BRAINARD, REP. SOMERVILLE, REP. McGEE, REP. McGEE voting yes.

Motion: REP. ROGER SOMERVILLE MOVED TO AMEND SB 181.

Discussion:

REP. ROGER SOMERVILLE explained his second amendment. EXHIBIT 7

REP. CHARLES DEVANEY stated that the amendment would not deal with existing signs. He said he does not agree with having signs on both sides of the road.

CHAIRMAN SHIELL ANDERSON asked if the amendment addresses the two signs per business issue. REP. ROGER SOMERVILLE replied no.

REP. DAN McGEE asked if the amendments would put language back into the bill that had been stricken. REP. ROGER SOMERVILLE replied he was putting language back into the bill that the Senate had taken out.

Vote: The question was called on the SOMERVILLE amendment. A roll call vote was taken. Motion CARRIED 10 to 8. EXHIBIT 8

Motion: REP. LINDA McCULLOCH MOVED TO AMEND SB 181.

Discussion:

Connie Erickson explained that the amendment would allow the State of Montana to enforce regulations that are stronger than the federal regulations.

Vote: The question was called on REP. McCULLOCH'S amendment. A voice vote was taken. Motion CARRIED 16 to 2 with REP. JORE and REP. DEVANEY voting no.

Motion: REP. DON LARSON MOVED SB 181 BE CONCURRED IN AS AMENDED.

Discussion:

REP. DAN MCGEE asked if the bill as amended would go back to the Senate for their approval on the amendments. CHAIRMAN SHIELL ANDERSON replied yes.

Vote: The question was called. A voice vote was taken. Motion CARRIED 17 to 1 with REP. JORE voting no.

{Tape: 2; Side: A; Approx. Counter: 410; Comments: None.}

EXECUTIVE ACTION ON SB 205

Motion: REP. DON LARSON MOVED SB 205 BE CONCURRED IN.

Discussion:

REP. DAN MCGEE asked if the committee had a clear understanding of the impact of SB 205 and the weights of the vehicles on the highways. Dave Galt stated that the highways are designed for axle weights up to 25,000 pounds. He also said that chip trucks carry light loads and would not harm the roads.

Vote: The question was called. A voice vote was taken. Motion CARRIED unanimously.

{Tape: 2; Side: A; Approx. Counter: 480; Comments: None.}

EXECUTIVE ACTION ON SB 355

Motion: REP. JEANETTE MCKEE MOVED SB 355 BE CONCURRED IN.

Discussion:

REP. DON LARSON stated that he was concerned with the restrictions set and the ability of people to get into the business. He also felt SB 355 would expose the State to liability.

REP. PAT GALVIN stated that the rotation system was rectified in Great Falls.

REP. DAN MCGEE stated that he worked with the deputy sheriff in Missoula and they had a rotational system. He said that SB 355 would make this issue state wide.

REP. ROD MARSHALL stated he listened to the formation of this bill and felt it was fair.

HOUSE OF REPRESENTATIVES

Highways

ROLL CALL

DATE 03-08-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman	✓		
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Matt Brainard	✓		
Rep. Bob Clark	✓		
Rep. Charles Devaney	✓		
Rep. Marian Hanson	✓		
Rep. Don Larson	✓		
Rep. Rod Marshall	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden	✓		
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	Came in late 4:10 p.m. ✓		



HOUSE STANDING COMMITTEE REPORT

March 9, 1995

Page 1 of 4

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 181 (third reading copy -- blue) be concurred in as amended.

Signed: Shiell W. Anderson
Shiell Anderson, Chair

Carried by: Rep. Ream

And, that such amendments read:

1. Title, line 6.

Following: "~~ADVERTISING,~~"

Insert: "REVISING THE DEFINITION OF "UNZONED COMMERCIAL OR INDUSTRIAL AREA" AS APPLIED TO OUTDOOR ADVERTISING;"

2. Title, line 8.

Following: "~~75-15-103~~"

Insert: "75-15-103, 75-15-105,"

3. Page 3.

Following: line 15

Insert: "Section 1. Section 75-15-103, MCA, is amended to read:

"75-15-103. Definitions. As used in this part, the following definitions apply:

(1) "Commercial or industrial activities" means for purposes of subsection (14) those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities ~~shall be~~ are considered commercial or industrial:

(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;

(b) transient or temporary activities;

Committee Vote:

Yes 17, No 1. Rep. Ream

551355SC.Hbk

(c) activities not visible from the main-traveled way;
(d) activities conducted in a building principally used as a residence;

(e) railroad tracks and minor sidings;

(f) activities more than 660 feet from the nearest edge of the right-of-way.

(2) "Commercial or industrial zone" means an area ~~which~~ that is used or reserved for business, commerce, or trade pursuant to comprehensive local zoning ordinances, ~~or~~ regulations, ~~or~~ enabling state legislation ~~or state legislation~~ itself, including highway service areas lawfully zoned as highway service zones, where the primary use of the land is or is reserved for commercial and roadside services, other than outdoor advertising, to serve the traveling public. Areas temporarily zoned as commercial or industrial by an interim regulation or map adopted as an emergency measure pursuant to 76-2-206 ~~shall~~ are not ~~be considered as~~ covered by this definition.

(3) "Commission" means the highway commission of Montana.

(4) "Department" means the department of transportation.

(5) "Information center" means an area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing ~~such~~ other information ~~as~~ that the commission may consider desirable.

(6) "Interchange" or "intersection" means those areas and their approaches where traffic is channeled off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to another federal, state, county, city, or other route.

(7) "Interstate system" means that portion of the national system of interstate and defense highways located within this state as officially designated or as may ~~hereafter~~ be designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".

(8) "Maintain" means to allow to exist, subject to the provisions of this part.

(9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure in a state suitable for use.

(10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other structure ~~which~~ that is designed, intended, or used to advertise or inform and ~~which~~ that is visible from any place on the main-traveled way of the interstate or primary systems.

(11) "Primary system" means that portion of connected main highways as officially designated or as may ~~hereafter~~ be

designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".

(12) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way, by or under public supervision or control, for the convenience of the traveling public.

(13) "Secretary" means the secretary of the United States department of transportation.

(14) "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation, or ordinance which ~~that~~ is occupied by one or more industrial or commercial activities, other than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent to the activities and ~~those lands directly opposite on the other side of the highway to the extent of the same dimensions and to a maximum depth of 660 feet when measured from the highway right of way, provided those lands on the opposite side of the highway are not deemed scenic or having aesthetic value as determined by the commission.~~

(15) "Urban area" means an urbanized area or place, as designated by the United States bureau of the census, having that ~~has~~ a population of 5,000 or more and that is ~~that is~~ within boundaries fixed by the department, which ~~The~~ boundaries shall as must ~~at~~ a minimum encompass the entire urban place designated by said the ~~said the~~ bureau of the census.

(16) "Visible" means capable of being seen and legible without visual aid by a person of normal visual acuity."

Section 2. Section 75-15-105, MCA, is amended to read:

"75-15-105. Relaxation of regulations if federal law changed. In the event the general requirements of Title 23, United States Code, "Highways", or existing rules and regulations of the United States department of transportation become amended or changed to less restrictive conditions than presently exist, then the commission must shall ~~must~~ amend or change such the ~~such the~~ rules that it may have adopted to come into conformity with the federal law, rule, and regulation; ~~however, in no event shall this part become more restrictive than is indicated herein by said federal action."~~

Renumber: subsequent sections

4. Page 4.

Following: line 22

Insert: "(4) An outdoor advertising structure in an unzoned commercial or industrial area that is lawfully in existence on [the effective date of this act], that meets the size

March 9, 1995

Page 4 of 4

requirements in 75-15-113, but that exceeds the restrictions in subsection (1)(e) of this section:

(a) must be classified as nonconforming by the department;

(b) may not be increased in size;

(c) may be maintained each year if the value of the materials used in the maintenance does not exceed 75% of the value of all of the materials required to replace the sign new; and

(d) may be replaced, if damaged, at up to and including 100% of its replacement cost."

-END-

4
3-8-95
SB 181

Amendments to Senate Bill No. 181
Third Reading Copy

For the House Committee on Highways and Transportation

Prepared by Connie Erickson
February 28, 1995

1. Page 4.

Following: line 22

Insert: "(4) Outdoor advertising structures in an unzoned commercial or industrial area that are lawfully in existence on [the effective date of this act] and that meet the size requirements in 75-15-113 but exceed the number allowed in subsection (1)(e) of this section must continue to be classified as conforming in accordance with department rules, if the outdoor advertising structures are not increased in size."

Amendments to Senate Bill No. 181
Third Reading Copy

Requested by Representative McKee

For the House Committee on Highways and Transportation

Prepared by Connie Erickson
March 8, 1995

1. Page 4.

Following: line 22

Insert: "(4) An outdoor advertising structure in an unzoned commercial or industrial area that is lawfully in existence on [the effective date of this act], that meets the size requirements in 75-15-113, but that exceeds the restrictions in subsection (1)(e) of this section:

(a) must be classified as nonconforming by the department;

(b) may not be increased in size;

(c) may be maintained each year if the value of the materials used in the maintenance does not exceed 75% of the value of all of the materials required to replace the sign new; and

(d) may be replaced, if damaged, at up to and including 100% of its replacement cost."

EXHIBIT 6
DATE 3-8-95
SB 181

Amendments to Senate Bill No. 181
Third Reading Copy

Requested by Representative Somerville

For the House Committee on Highways and Transportation

Prepared by Connie Erickson
February 28, 1995

1. Title, line 7.
Following: "THE"
Insert: "PERMIT PERIOD AND"
2. Page 6, line 26.
Following: "for"
Strike: "3 years"
Insert: "1 year"
3. Page 6, lines 26 and 27.
Strike: "every" on line 26 through "years" on line 27
Insert: "annually"
4. Page 6, line 30.
Following: "costs of"
Insert: "managing,"
5. Page 7, line 1.
Following: "administering"
Insert: ", "
Strike: "this section"
Insert: "the provisions of this part"

Amendments to Senate Bill No. 181
Third Reading Copy

Requested by Representative Somerville
For the House Committee on Highways and Transportation

Prepared by Connie Erickson
March 8, 1995

1. Title, line 6.

Following: "ADVERTISING;"

Insert: "REVISING THE DEFINITION OF "UNZONED COMMERCIAL OR
INDUSTRIAL AREA" AS APPLIED TO OUTDOOR ADVERTISING;"

2. Title, line 8.

Following: "75-15-103"

Insert: "75-15-103,"

3. Page 3.

Following: line 15

Insert: "Section 1. Section 75-15-103, MCA, is amended to read:

"75-15-103. Definitions. As used in this part, the
following definitions apply:

(1) "Commercial or industrial activities" means for
purposes of subsection (14) those activities generally recognized
as commercial or industrial by zoning authorities in this state,
except that none of the following activities ~~shall be~~ are
considered commercial or industrial:

(a) agricultural, forestry, grazing, farming, and related
activities, including wayside fresh produce stands;

(b) transient or temporary activities;

(c) activities not visible from the main-traveled way;

(d) activities conducted in a building principally used as
a residence;

(e) railroad tracks and minor sidings;

(f) activities more than 660 feet from the nearest edge of
the right-of-way.

(2) "Commercial or industrial zone" means an area which
that is used or reserved for business, commerce, or trade
pursuant to comprehensive local zoning ordinances, or
regulations, or enabling state legislation ~~or state legislation~~
~~itself~~, including highway service areas lawfully zoned as highway
service zones, where the primary use of the land is or is
reserved for commercial and roadside services, other than outdoor
advertising, to serve the traveling public. Areas temporarily
zoned as commercial or industrial by an interim regulation or map
adopted as an emergency measure pursuant to 76-2-206 ~~shall be~~ are
~~not be considered as covered by this definition.~~

- (3) "Commission" means the highway commission of Montana.
- (4) "Department" means the department of transportation.
- (5) "Information center" means an area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as that the commission may consider desirable.
- (6) "Interchange" or "intersection" means those areas and their approaches where traffic is channeled off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to another federal, state, county, city, or other route.
- (7) "Interstate system" means that portion of the national system of interstate and defense highways located within this state as officially designated or as may hereafter be so designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".
- (8) "Maintain" means to allow to exist, subject to the provisions of this part.
- (9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure in a state suitable for use.
- (10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other structure ~~which~~ that is designed, intended, or used to advertise or inform and ~~which~~ that is visible from any place on the main-traveled way of the interstate or primary systems.
- (11) "Primary system" means that portion of connected main highways as officially designated or as may hereafter be so designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".
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- (13) "Secretary" means the secretary of the United States department of transportation.
- (14) "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation, or ordinance ~~which that is occupied by one or more industrial or commercial activities, other than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent to the activities and these lands directly opposite on the other side of the highway to the extent of the same dimensions and to a maximum depth of 660 feet when measured from the highway right-of-way; provided these lands on the opposite side of the highway are not deemed scenic or having aesthetic value as determined by the commission.~~
- (15) "Urban area" means an urbanized area or place, as designated by the United States bureau of the census, having that has a population of 5,000 or more and that is within boundaries fixed by the department, ~~which The boundaries shall as must at a~~

DATE

SB

minimum encompass the entire urban place designated by said the
bureau of the census.

(16) "Visible" means capable of being seen and legible
without visual aid by a person of normal visual acuity."

Renumber: subsequent sections

HOUSE OF REPRESENTATIVES

ENTRY
DATE 3-8-92
SS 181

ROLL CALL VOTE

Highways

DATE 3-8-92 BILL NO. 181 NUMBER 10-8

MOTION: Carried 10-8
Somerville Amendment

NAME	AYE	NO
Rep. Shiell Anderson, Chairman		✓
Rep. Rick Jore, Vice Chairman, Majority		✓
Rep. Pat Galvin, Vice Chairman, Minority	✓	
Rep. Joe Barnett	✓	
Rep. Matt Brainard	✓	
Rep. Bob Clark		✓
Rep. Charles Devaney		✓
Rep. Marian Hanson	✓	
Rep. Don Larson	✓	
Rep. Rod Marshall		✓
Rep. Linda McCulloch	✓	
Rep. Daniel McGee		✓
Rep. Jeanette McKee	✓	
Rep. Bill Ryan	✓	
Rep. Dore Schwinden	✓	
Rep. Roger Somerville	✓	
Rep. Joe Tropila		✓
Rep. Jack Wells		✓

Printed by: Greenough, Kimberlee
Printed at: 3-09-95 1:35p

From: Erickson, Connie
Sent at: 3-09-95 10:57a
Author: Erickson, Connie
Doc name: SB018110.ACE
Type: PC file
To: Greenough, Kimberlee

Amendments to Senate Bill No. 181
Third Reading Copy

For the House Committee on Highways and Transportation

Prepared by Connie Erickson
March 9, 1995

1. Title, line 6.

Following: "ADVERTISING;"

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2. Title, line 8.

Following: "75-15-103"

Insert: "75-15-103, 75-15-105,"

3. Page 3.

Following: line 15

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except that none of the following activities shall be are
considered commercial or industrial:

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activities, including wayside fresh produce stands;

(b) transient or temporary activities;

(c) activities not visible from the main-traveled way;

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a residence;

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itself, including highway service areas lawfully zoned as highway
service zones, where the primary use of the land is or is
reserved for commercial and roadside services, other than outdoor
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zoned as commercial or industrial by an interim regulation or map
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acceleration lanes from or to another federal, state, county,
city, or other route.

(7) "Interstate system" means that portion of the national
system of interstate and defense highways located within this
state as officially designated or as may hereafter be so

designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".

(8) "Maintain" means to allow to exist, subject to the provisions of this part.

(9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure in a state suitable for use.

(10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other structure which that is designed, intended, or used to advertise or inform and which that is visible from any place on the main-traveled way of the interstate or primary systems.

(11) "Primary system" means that portion of connected main highways as officially designated or as may hereafter be so designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".

(12) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way, by or under public supervision or control, for the convenience of the traveling public.

(13) "Secretary" means the secretary of the United States department of transportation.

(14) "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation, or ordinance which that is occupied by one or more industrial or commercial activities, other than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent to the activities and those lands directly opposite on the other side of the highway to the extent of the same dimensions and to a maximum depth of 660 feet when measured from the highway right-of-way; provided those lands on the opposite side of the highway are not deemed scenic or having aesthetic value as determined by the commission.

(15) "Urban area" means an urbanized area or place, as designated by the United States bureau of the census, having that has a population of 5,000 or more and that is within boundaries fixed by the department, which the boundaries shall as must at a minimum encompass the entire urban place designated by said the bureau of the census.

(16) "Visible" means capable of being seen and legible without visual aid by a person of normal visual acuity."

Section 2. Section 75-15-105, MCA, is amended to read:

"75-15-105. Relaxation of regulations if federal law changed. In the event the general requirements of Title 23, United States Code, "Highways", or existing rules and regulations of the United States department of transportation become amended or changed to less restrictive conditions than presently exist, then the commission must shall amend or change such the rules that it may have adopted to come into conformity with the federal law, rule, and regulation; however, in no event shall this part become more restrictive than is indicated herein by said federal action."

Renumber: subsequent sections

4. Page 4.

Following: line 22

Insert: "(4) An outdoor advertising structure in an unzoned commercial or industrial area that is lawfully in existence on [the effective date of this act], that meets the size requirements in 75-15-113, but that exceeds the restrictions in subsection (1)(e) of this section:

(a) must be classified as nonconforming by the department;

(b) may not be increased in size;

(c) may be maintained each year if the value of the materials used in the maintenance does not exceed 75% of the value of all of the materials required to replace the sign new; and

(d) may be replaced, if damaged, at up to and including 100% of its replacement cost."

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE BILL 181

Call to Order: By SENATOR LORENTS GROSFIELD, on April 4, 1995,
at 12:36 p.m. in Room 405.

ROLL CALL

Members Present:

Sen. Lorents Grosfield (R)
Sen. Larry J. Tveit (R)
Sen. Jeff Weldon (D)
Rep. Shiell Anderson (R)
Rep. Jeanette S. McKee (R)

Members Excused: Rep. Joe Tropila (D)

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Carla Turk, Secretary

Discussion:

CHAIRMAN LORENTS GROSFIELD stated this was the Conference Committee on SB 181 dealing with the House Committee Amendments. He asked for a brief explanation of the amendments.

SENATOR JEFF WELDON reported the House Committee as having placed three amendments on the Bill. He said the first reinserted an original section of the Bill which dealt with signs being placed on one side of the road versus placement on both or either side of the road. He described the second amendment as the definition of nonconforming and what it meant. He described the third amendment as a technical amendment which the Department had requested. SENATOR WELDON stated that he believed the only issue the Conference Committee may have to address was amendment # 3 addressing the language on page 3 of the Bill. He identified that amendment as appearing on page 3 of 4 in the (green) House Standing Committee Report and described it as the definition of "Unzoned commercial or industrial" area. He said the Bill and amendment struck "and those lands directly opposite on the other side of the highway" and described the affect as billboards in unzoned commercial or industrial areas being allowed only on one side of the road.

CHAIRMAN GROSFIELD queried as to whether the amendments had been rejected by the Senate, with respect to that issue, and the other amendments not being an issue? **SENATOR WELDON** said he thought that was accurate and stated that **SENATOR LARRY TVEIT** had made the motion to not concur and remembered his comments as specifically directed to the one on both sides of the road issue.

CHAIRMAN GROSFIELD asked **SENATOR TVEIT** if he wished to comment? **SENATOR TVEIT** stated the Senate Highways and Transportation Committee had no problem with any of the amendments except the one requiring that the two signs both be placed on one side of the road. He reported the Committee as having a lengthy discussion on that specific topic and their express desire to consider topographic elements when requiring placement of both signs on one side of the road. He said the Committee had felt there should be latitude regarding location because sign companies had lost approximately two thirds of their business with reduction of sign numbers from six or eight to the proposed two. He summarized those as the basic reasons the Committee had voted not to concur.

CHAIRMAN GROSFIELD stated there were members of the public present who had come some distance for the meeting and expressed a desire to offer the opportunity for each to make a short statement.

Lars Lethander, Frontier Outdoor Advertising, Billings, said their company had originally asked that the two sides language be left in and reported that as what the Senate Highways and Transportation Committee had concurred in. He expressed his impression as this having become a rather major issue and verbalized being astounded as to why? He related SB 181 as a concurrence of the task force which they would go along with even though they had not been a member. He said Frontier felt that through the consensus of willingly dropping from six or eight signs to two, taking from 66% to 85% of their potential business away in an unzoned commercial industrial area, was quite a hit. He said they felt it was fair to ask for at least a 50% chance on the two remaining signs. **Mr. Lethander** stated that any opposing statements supporting two signs on one side of the road for scenery value were not really an argument because signs could actually end up ruining scenery on the one side. He also cited topography as a potential problem given the new provisions in SB 183 and expressed concern regarding reader abilities. He summarized their language request by asking fairness in giving them a break on the sites remaining and termed the rest of SB 181 as fine.

Rose Magnuson stated the reason for the task force was to assure development of a plan which was more compatible with the State's natural resources and scenery. She said they felt the old pattern of sign placement was one of the least restrictive in the nation. She reported the task force as having studied how other

states had kept their character. She reported that the states had accomplished their goal by clustering and that was why they sought two sites on one side of the road.

Jim Pannell, speaking for his employer **Myhre Advertising**, said their number one concern as an outdoor advertising company in Montana was that they needed the Bill. He stated that he had FAXed Myhre's position to each committee member. He expressed their strong feelings that SB 181 needed to be passed and stated they would appreciate passage in the context of Montana's proliferation of signs. He termed passage as placing Montana in the prospective of entering the year 2000 which was their supreme concern.

SENATOR WELDON reviewed the written statement that if Myhre, with over one thousand signs, could live with the specifically identified compromise of two signs on one side of the road, you were quite sure that Frontier and other out-of-state companies could too. He asked **Mr. Pannell** to specifically address the issue this Conference Committee would have to settle which was one side or both sides of the road? **Mr. Pannell** said they had currently existed almost forty years in Montana in outdoor advertising and presently there were a number of out-of-state companies positioned to move into Montana for the purpose of building a lot of signs. He conceptualized that one of these companies had come to Montana for the purpose of obtaining permits to sell structures at some point in time. He termed this as a new occurrence and reported the process as having torn up their business in the Flathead Valley. He articulated their main problem as a need for control so they could be treated as a futuristic industry with the ability to serve their business clients.

CHAIRMAN GROSFIELD stated he felt the only issue anyone was speaking to was the sides of the road and the rest of the House amendments appeared acceptable to everyone.

CO-CHAIRMAN SHIELL ANDERSON asked if allowing on both sides of the road rather than one side would actually increase the number of signs? **SENATOR WELDON** answered no, the Bill limited the number to two. He said he thought current law allowed up to six or eight on one side of the road and the compromise consensus of the task force had been two. He said the task force had also agreed on one side of the road and that was because of the clustering notion. He stated part of the objective of the legislation was an attempt to balance preservation of scenic beauty in the State and outdoor advertising. He termed the feeling of the task force as an attempt to keep the signs on one side of the road and reserve the other side of the road to reveal the landscape or scenery. He reiterated that the number would be the same and termed the question as whether there would be one on one side and possible one on the other side.

CO-CHAIRMAN ANDERSON said he visualized traffic arriving from the south with a business was on left, which could still have their two signs with one for southbound and one for northbound traffic. He said it could make good sense to have a sign on either side of the road in cases where there were not two good locations on one side of the road. **SENATOR WELDON** responded that given the way the Bill was now amended, for signs to occur on the side of the road opposite the business there would have to be qualifying property. He said the Bill's present structure stated there could only be two signs on qualifying property on the same side as the business. He maintained that both north and south traffic could see signs on the one side of the road.

SENATOR WELDON asked for further explanation of the matter? **Rich Munger** of the Department of Transportation explained that in unzoned commercial or industrial area there were existing tests to determine whether a business qualifies that area for signing purposes. He said all the amendment did was add a test that the signs must remain on the same side of the road as the qualifying business. He stated that a person could own more than one business which could each qualify for two signs, but the signs would have to be placed on the same side of the road as the respective qualified business.

SENATOR TVEIT said the Bill had stated both signs would be on one side of the road until the Senate Highways and Transportation Committee had amended it to each side of the road. He questioned whether qualifying conditions for placement of the signs would exist with one on each side of the road? He asked for clarification of those conditions? **Mr. Munger** stated that under current rule the sign had to be located within 600 feet of the qualifying business. He explained that there several tests they looked at and said there had been some rule changes which would affect those tests. He explained the issue at hand as to whether a business on the left side of the road could qualify a sign on the right side of the road. He said that answer would be determined by the conference committee's decision of whether to allow it or not.

SENATOR TVEIT questioned whether the Bill would apply to Primaries, Secondaries or Interstates? **Mr. Munger** replied Primaries and Interstates both.

REPRESENTATIVE JEANETTE MCKEE asked if removal of the amendment would allow one sign on the right hand side of the road and only one sign on the other side of the road, not two on each side? **Mr Munger** replied just two maximum.

CHAIRMAN GROSFIELD asked if there had been much discussion regarding the difference between Primary and Interstate such as one method for each, etc.? He maintained that when dealing with an Interstate and a smaller sized sign it was quite a ways further from your eyes to the sign than it would be with a primary. **SENATOR TVEIT** replied that the Senate Highways and

Transportation Committee had not addressed that issue but agree there was a definite difference.

SENATOR WELDON asked if the task force had looked at that issue? Mr. Munger said he did not recall the task force looking at that issue but did remember their addressing the new maximum 672 square feet per sign face and the old 1200 square feet. He stated the new size was more than adequate to be seen from an Interstate or a primary.

CHAIRMAN GROSFIELD asked if there were any comments from the sign people? Mr. Pannell responded that positioning of cross reader signs allowed traffic from the right lane to view signs on the left.

CHAIRMAN GROSFIELD asked if they were stating that road type wasn't really an issue?

REPRESENTATIVE MCKEE stated that it was possibly more what the sponsor's intent had been. She said the intent was possibly that of natural resources and scenery and that was the significance of the clustering on one side. She asked for a response from the sponsor? SENATOR WELDON identified the motivation for citizen groups concerned about billboards was centered on the largeness and number of billboards which blocked natural beauty. He termed the intent as an attempt to preserve the scenic attributes of traveling in Montana.

REPRESENTATIVE MCKEE asked if, in the sponsor's mind, that was the major purpose of the legislation? SENATOR WELDON said that was correct, along with the other provision they were attempting to address as well.

CO-CHAIRMAN ANDERSON stated that it appeared there would still be billboards on the one side where the scenery also appeared and asked what difference it made regarding which side the signs were on? SENATOR WELDON said that was true if there were qualifying businesses on that side of the road. He said this amendment stated that if there were no qualifying businesses on the other side of the road, they should be on the side of the road of the business.

Motion:

CO-CHAIRMAN ANDERSON MOVE TO ACCEPT THE SENATE'S REJECTION THE HOUSE SENT TO THEM WHICH WOULD ALLOW SIGNS ON BOTH SIDES OF THE ROAD.

CHAIRMAN GROSFIELD reminded the Committee that one member was absent and would have to ascertain the results. He called for discussion and none was offered.

Vote :

REPRESENTATIVE ANDERSON VOTED YES, REPRESENTATIVE MCKEE VOTED NO,
SENATOR TVEIT VOTED YES, SENATOR WELDON VOTED NO
SENATOR GROSFIELD VOTED NO.
THE MOTION FAILED BECAUSE OF THE SENATE VOTE, REGARDLESS OF HOW
THE ABSENT HOUSE MEMBER MIGHT HAVE VOTED.

Motion/Vote:

SENATOR WELDON MOVED THAT THE CONFERENCE COMMITTEE ADOPT THE
HOUSE ACTION WHICH WOULD REINSERT THE DEFINITION OF UNZONED
COMMERCIAL AND PLACEMENT OF TWO SIGNS ON ONE SIDE OF THE ROAD
WITH A QUALIFYING BUSINESS.

CO-CHAIRMAN ANDERSON VOTED NO, REPRESENTATIVE MCKEE VOTED YES,
SENATOR TVEIT VOTED NO, SENATOR WELDON VOTED YES,
SENATOR GROSFIELD VOTED YES.

CHAIRMAN GROSFIELD stated that the vote had brought the Committee
to a standstill as REPRESENTATIVE TROPILA'S vote was necessary.
He said their schedule would not permit further action under the
given circumstance and the Committee would not be able to finish
that day. He said it was obvious that if the last motion did not
work they would have to try another. A brief discussion with
members determined the need to recess until 7:30 a.m. the next
morning in the same room.

THE MEETING RECONVENED AT 7:31 A.M. ON WEDNESDAY, APRIL 5, 1995
IN ROOM 405.

CHAIRMAN GROSFIELD briefly recounted the proceedings of the
previous day for REPRESENTATIVE TROPILA and brought him up to
date on the motion and vote pending. He stated the motion had
passed the Senate side and had a tie vote for the House side,
thus rendering REPRESENTATIVE TROPILA'S vote decisive.

CHAIRMAN GROSFIELD stated it would likely be wise to revisit the
last motion again. He conveyed the desire to let everyone ask
any questions they may have thought of since the previous day.
He asked if anyone needed clarification on the issue and the
response was no.

REPRESENTATIVE TROPILA expressed regrets of having left the
Capitol before becoming aware of the meeting and not having
returned in time to receive notice prior to the meeting.

CHAIRMAN GROSFIELD explained that SENATOR WELDON HAD MOVED TO ADOPT THE HOUSE ACTION WHICH WOULD REINSERT THE DEFINITION OF UNZONED COMMERCIAL AND PLACEMENT OF TWO SIGNS ON ONE SIDE OF THE ROAD WITH A QUALIFYING BUSINESS. He asked each respective member if they were still voting as they had yesterday and each one confirmed they were. REPRESENTATIVE TROPILA THEN VOTED YES TO MAKE THE FINAL VOTE READ REPRESENTATIVE ANDERSON NO, REPRESENTATIVE MCKEE YES, SENATOR TVEIT NO AND SENATORS WELDON AND GROSFIELD YES. THE MOTION CARRIED WITH A MAJORITY VOTE OF EACH CHAMBER.

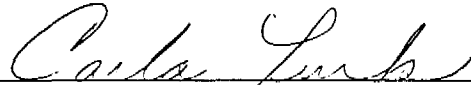
SENATOR WELDON'S MOTION TO ADOPT THE CONFERENCE COMMITTEE REPORT CARRIED WITH SENATOR TVEIT AND REPRESENTATIVE ANDERSON VOTING NO.

ADJOURNMENT

Adjournment: The meeting was adjourned at 7:42 a.m.



SENATOR LORENTS GROSFIELD, Chairman



CARLA TURK, Secretary

L/cmt

Conference Committee
on SB 181
Report No. 1, April 5, 1995

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 181, met and considered:

House Committee amendments

We recommend that SB 181 (reference copy - salmon) be amended as follows:

Accept House committee amendments

And that this Conference Committee report be adopted.

For the Senate:

Grosfield

Chair

Tveit

Weldon

Amd. Coord.

Sec. of Senate

For the House:

Anderson

Chair

McKee

Tropila

ADOPT

REJECT

781110CC.SPV



TO: Joint Conference Committee on Senate Bill #181

Senator Larry T. Viet

Senator Jeff Walden

Senator Lorenz Grossfeldt

FROM: Jim Parnell, Vice President

SUBJECT: Senate Bill #181

As an outdoor advertising business in the State of Montana for almost forty (40) years, we sincerely support the passage of Senate Bill #181. The proliferation of highway signs in the state necessitates your action on this bill.

We wholeheartedly participated on the Governor's Task Force on outdoor advertising and stand behind the legislative recommendations of that body. The recommendations of the Task Force were a hard earned compromise between our industry and citizens, representing the scenic concerns of Montana.

Frontier Outdoor Advertising of Casper, Wyoming wants to change the legislative recommendations of the Task Force by allowing two (2) signs, one (1) on either side of the road. The recommendation of the Task Force were to allow only two (2) signs on the same side of the road as the qualifying business activity. If Myhre Advertising with over one thousand (1,000) signs faces across Montana can live with the compromise, we are quite sure that Frontier, and other out of state companies, can also.

We sincerely encourage you to pass Senate Bill #181 as recommended by the Governor's Task Force.